

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

June 17, 2002

2:00 p.m.

NOTE: Some agenda items were addressed out of sequence, either because the Mayor was not present, or due to a 5:00 p.m., meeting which caused some agenda items listed on the 2:00 p.m., docket to be considered at the 7:00 p.m. session. Notation will be made, as needed.

The Council of the City of Roanoke met in regular session on Monday, June 17, 2002 at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor William H. Carder presiding for a portion of the meeting and Mayor Ralph K. Smith presiding over the remainder of the meeting, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William D. Bestpitch, Linda F. Wyatt, William White, Sr., W. Alvin Hudson, Jr., C. Nelson Harris and Vice-Mayor William H. Carder-----6.

ABSENT: Mayor Ralph K. Smith -----1.

(Mayor Smith arrived at 3:15 p.m.)

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend George L. Edwards, Pastor, Melrose Christian Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Carder.

PRESENTATIONS AND ACKNOWLEDGMENTS:

ACTS OF ACKNOWLEDGMENTS-CITY COUNCIL: Mr. Harris offered the following resolution paying tribute to the Honorable W. Alvin Hudson, Jr., for his service as a Member of Roanoke City Council from July 1, 1998 through June 30, 2002, and expressing to him the appreciation of the City of Roanoke and its people for his exemplary public service:

(#35902-061702) A RESOLUTION paying tribute to the Honorable W. Alvin Hudson, Jr., and expressing to him the appreciation of this City and its people for his exemplary public service.

(For full text of Resolution, see Resolution Book No. 65, page 149.)

Mr. Harris moved the adoption of Resolution No. 35902-061702. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson abstained from voting.)

The Mayor presented Mr. Hudson with a ceremonial copy of the above reference measure.

(Resolution No. 35902-061702 was considered out of sequence.)

ACTS OF ACKNOWLEDGMENT-CITY COUNCIL: Mr. Harris offered the following resolution paying tribute to the Honorable William White, Sr., for his service as a Member of Roanoke City Council from July 1, 1990 through June 30, 2002, and expressing to him the appreciation of the City of Roanoke and its people for his exemplary public service.

(#35903-061702) A RESOLUTION paying tribute to the Honorable William White, Sr., and expressing to him the appreciation of this City and its people for his exemplary public service.

(For full text of Resolution, see Resolution Book No. 65, page 150.)

Mr. Harris moved the adoption of Resolution No. 35903-061702. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, Hudson, Harris, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White abstained from voting.)

(Resolution No. 35903-061702 was considered out of sequence.)

The Mayor presented Mr. White with a ceremonial copy of the above referenced measure.

ACTS OF ACKNOWLEDGMENT: The Vice-Mayor Carder recognized Dr. John McKenna, CEO, Environmental Training Services, Inc., who introduced 17 special guests from Russia, who are visiting the United States to further their learning about oil and gas development projects and the impact on the environment, in order to translate this experience into a similar democratic Russian process. He advised that training as been provided by Environmental Training Services, Inc., since June 4 and the delegation will leave the Roanoke area on June 5.

Dr. McKenna and Ms. Natalia Kee, Interpreter, assisted the Vice-Mayor in presenting City lapel pins and Honorary Citizenship Certificates to each guest.

ACTS OF ACKNOWLEDGEMENT-COMMITTEES-DISABLED PERSONS: Christene A. Montgomery, Chair, Mayor's Committee for People with Disabilities presented a plaque of appreciation to Council Member Hudson for his service as a member of the Mayor's Committee for People with Disabilities.

ACTS OF ACKNOWLEDGEMENT-DECEASED PERSONS: Mr. Harris offered the following resolution memorializing the late Right Reverend William Henry Marmion, D.D., Third Bishop of the Episcopal Diocese of Southwestern Virginia of Roanoke:

(#35904-061702) A RESOLUTION memorializing the late The Right Reverend William Henry Marmion, D.D., Third Bishop of the Episcopal Diocese of Southwestern Virginia, of Roanoke.

(For full text of Resolution, see Resolution Book No. 65, page 152.)

Mr. Harris moved the adoption of Resolution No. 35904-061702. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder -----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

The Vice-Mayor presented a ceremonial copy of the above referenced measure to Roger N. Marmion, son of the late Bishop Marmion.

ACTS OF ACKNOWLEDGEMENT-DECEASED PERSONS: Mr. Harris offered the following resolution memorializing the late Carl E. Stark, a physician and former Mayor of Wytheville, Virginia:

(#35905-061702) A RESOLUTION memorializing the late Carl E. Stark, a physician and former Mayor of Wytheville, Virginia.

(For full text of Resolution, see Resolution Book No. 65, page 154.)

Mr. Harris moved the adoption of Resolution No. 35905-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

AIRPORT-ACTS OF ACKNOWLEDGEMENT-DECEASED PERSONS: Mr. Harris offered the following resolution memorializing the late Martha Anne Woodrum Zillhardt, a longtime resident of Roanoke and Fincastle, Virginia:

(#35906-061702) A RESOLUTION memorializing the late Martha Anne Woodrum Zillhardt, a longtime resident of Roanoke and Fincastle, Virginia.

(For full text of Resolution, see Resolution Book No. 65, page 155.)

Mr. Harris moved the adoption of Resolution No. 35906-061702. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

The Vice-Mayor presented a ceremonial copy of the above referenced measure to Clifton A. Woodrum, III, nephew of the late Ms. Zillhardt.

CONSENT AGENDA

The Vice-Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to one request for a closed session to discuss vacancies on various authorities, boards, commissions and committees appointed by Council.

MINUTES: Minutes of the regular meeting of Council held on Monday, May 6, 2002, and the special meeting held on Monday, May 13, 2002, were before the body.

Mr. Harris moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

COMMITTEES-CITY COUNCIL: A communication from the Mayor requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before Council.

Mr. Harris moved that Council concur in the request of the Mayor to convene in Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

COMMITTEES-COMMUNITY PLANNING-ROANOKE NEIGHBORHOOD PARTNERSHIP: A communication from Alfred T. Dowe, Jr., tendering his resignation as a member of the Roanoke Neighborhood Partnership Steering Committee and the City Planning Commission, was before Council.

Mr. Harris moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

OATHS OF OFFICE-PARKS AND RECREATION-COMMITTEES-YOUTH:The following reports of qualification were before Council:

Sherman A. Holland as a member of the Youth Services Citizen Board for a term ending May 31, 2005; and

Geraldine LaManna for a term ending March 31, 2003, and Carl H. Kopitzke for a term ending March 31, 2004, as members of the Parks and Recreation Advisory Board.

Mr. Harris moved that the reports of qualification be received and filed. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

CITY CODE-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting approval by Council of a minor revision in the order of the City Council agenda; whereupon, he transmitted an ordinance to provide that Comments by the City Manager will be heard immediately following the Hearing of Citizens Upon Public Matters section of the agenda, was before Council.

Ms. Wyatt offered the following ordinance:

(#35907-061702) AN ORDINANCE amending and reordaining Rule 7, Order of business; hearing of citizens, of §2-15, Rules of procedure, of the Code of the City of Roanoke (1979), as amended, to provide for reversing the order of item 11, Comments of the City Manager, and Item 12, Hearing of Citizens, in order to have the City Manager's comments follow the Hearing of Citizens, effective July 1, 2002; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 157.)

Ms. Wyatt moved the adoption of Ordinance No. 35907-061702. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris and Vice-Mayor Carder -----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

BUDGET-CIRCUIT COURT-EQUIPMENT: A communication from the Honorable Arthur B. Crush, III, Clerk of Circuit Court, advising that the Clerk of the Circuit Court is responsible, by statute, for the recordation of legal instruments which include: Land Records, Marriage Licenses, Financing Statements, Assumed Names, Wills and other Probate Records, and Law, Chancery and Criminal Orders; and these records must be maintained and be available to the public, was before Council.

It was further advised that the Optical Character Recognition System, also known as the Records Management Indexing/Scanning System, currently being used to record the above-mentioned records can no longer facilitate the volume of records being scanned; there is a need for additional, compatible equipment that will allow several operators to perform like tasks simultaneously; such equipment is available through the Supreme Court of Virginia at a cost of \$63,424.00; and funding in the amount of \$63,424.00 is available from the Compensation Board of Virginia-Technology Trust Fund.

It was explained that the Clerk of Circuit Court has been granted \$63,424.00 from the Compensation Board of Virginia-Technology Trust Fund for upgrades to and maintenance of current recordation equipment, which Grant does not require a local match.

The Clerk of Circuit Court recommended that the City Manager be authorized to execute the requisite documents to obtain funding from the Compensation Board-Technology Trust Fund, and that the Director of Finance be authorized to establish a revenue estimate in the amount of \$63,424.00 in the Grant Fund and appropriate funds to the appropriate Furniture and Equipment account.

A communication from the City Manager concurring in the recommendation of the Clerk of Circuit Court, was also before Council.

Mr. Harris offered the following emergency budget ordinance:

(#35908-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 158.)

Mr. Harris moved the adoption of Ordinance No. 35908-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

Mr. Harris offered the following resolution:

(#35909-061702) A RESOLUTION accepting the grant offer made to the City by the Compensation Board of Virginia and authoring execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 65, page 159.)

Mr. Harris moved the adoption of Resolution No. 35909-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder -----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

SCHOOLS-CITY EMPLOYEES: Lissy Meranda, Director of Community Relations, Roanoke City Public Schools, expressed appreciation for the numerous collaborations between Roanoke City government and the Roanoke City Public Schools this past year which supported School Board priorities and student achievement. She also expressed appreciation for the partnership with the Office on Youth, specifically related to Student Government Day, and tours of the Municipal Building which have provided students with an increased understanding regarding the operation of City government. She called attention to an upcoming event, “Back to School Extravaganza,” in which students and families will be provided with a multitude of services under one roof to help ensure that students experience a successful start for the school year. She advised that the HERO’S Program (Help Encourage Roanoke’s Outstanding Educational Students”) re-enforced the pillars of character education and served as career development opportunities for students, and the RISK Watch Instructional program benefitted hundred’s of elementary school children. She expressed appreciation for the opportunity to showcase the fine arts talents of students by displaying their work throughout the Noel C. Taylor Municipal Building, and called attention to new initiatives with the Parks and Recreation Department, the Roanoke Redevelopment and Housing Authority, the Health Department, and the Police Department. She expressed appreciation for the partnership and support of the City of Roanoke in connection with the HOSTS Program, “Helping One Student to Succeed”, and introduced Shirley Thomason, Reading Resource Teacher, Lincoln Terrace Saturn Network.

On behalf of HOSTS students at Lincoln Terrace Saturn Network, Ms. Thomason expressed appreciation to the Members of Council and to the City Manager for permitting City employees to volunteer in the program, and advised that during the last school year, 52 HOSTS volunteers, 40 from the City of Roanoke and 12 from the community, worked with 26 students in grades two and three, four days

each week from 9:30 to 10:30 a.m., and each mentor worked with the same two students each week, contributing a total of 690 volunteer hours from September 17 - May 1. She stated that each child read between 50 - 65 textbooks with their mentor, students were tested at the beginning and at the end of the school year to obtain their reading level, all students advanced and their self-esteem was raised through interaction with their adult mentors. In addition to the reading program, she advised that the mentors went the extra mile by collecting funds which enabled each child participating in the program to receive four books during the holiday season and another four books at the end of the school year. She explained that separate from the HOSTS Program, a school mail delivery program, "We Deliver", was implemented, every hallway in the school building was provided with a street name, and the City's Director of Public Works, Robert K. Bengtson, assisted in acquiring street signs that made the program more realistic. She commended the City of Roanoke for helping students at the Lincoln Terrace Saturn Network to succeed.

Chelsea Dyer, student at Lincoln Terrace Saturn Network, advised that she enjoyed working with her mentors each week, the program helped her to become a better reader and improved other learning skills, and requested that the program be offered to fourth and fifth graders.

Along with Ms. Thomason and Freida Hines, Principal, Lincoln Terrace Saturn Network, Ms. Meranda presented the City Manager with a plaque of appreciation.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-HOUSING/AUTHORITY-COMMUNITY PLANNING-GRANTS: The City Manager submitted a communication advising that ESG funds are allocated under the Stewart B. McKinney Homeless Assistance Act and must be used to provide assistance to the homeless or those at risk of becoming homeless; and Council authorized filing an ESG application through submission of the Annual Update to the Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD) for FY 2002-2003 on May 13, 2002, pursuant to Resolution No. 35848-051302.

It was further advised that HUD's approval letter, granting the City access to its 2002-2003 ESG entitlement of \$76,000.00 is completing the routine release process and is forthcoming; and acceptance of the entitlement and appropriation of all funds to the accounts is needed to permit projects to proceed.

The City Manager recommended that Council adopt a resolution accepting \$76,000.00 in 2002-2003 ESG funds, contingent upon receipt of the approval letter from HUD; authorize the City Manager to execute the required Grant Agreement, Funding Approval, and other forms required by HUD in order to accept the funds, approved as to form by the City Attorney; and appropriate \$76,000.00 entitlement to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35910-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 160.)

Mr. Bestpitch moved the adoption of Ordinance No. 35910-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

Mr. Bestpitch offered the following resolution:

(#35911-061702) A RESOLUTION accepting the Fiscal Year 2002-2003 funds for the Emergency Shelter Grant Program, and authorizing the City Manager to execute the requisite Grant Agreement with the United States Department of Housing and Urban Development (HUD).

(For full text of Resolution, see Resolution Book No. 65, page 161.)

Mr. Bestpitch moved the adoption of Resolution No. 35911-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

BUDGET-HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that HOME is a housing assistance program of the U. S. Department of Housing and Urban Development (HUD); the City has received a HOME entitlement grant each year since FY 1992 and must reapply annually to HUD to receive such funding; and on May 13, 2002, Council authorized filing the 2002-2003 HOME application as part of approving the submission of the Annual Update to the Consolidated Plan to HUD.

It was further advised that the funding release process is underway, and HUD's letter of approval is forthcoming, granting the City access to its 2002-2003 HOME entitlement of \$751,000.00; in addition, \$286,204.00 unexpended from prior year accounts and \$10,000.00 in anticipated program income are included in the appropriation for fiscal year 2002-2003 activities; and acceptance of funds, and acceptance of the 2002-2003 entitlement requires \$93,875.00 in local match; however, no outlays of City funds will be needed to meet the requirement.

The City Manager recommended that Council adopt a resolution accepting \$751,000.00 in 2002-2003 HOME funds, contingent upon receipt of the approval letter from HUD; authorize the City Manager to execute the required Grant Agreement, Funding Approval, and any other documents required by HUD in order to accept the funds, such documents to be approved as to form by the City Attorney; appropriate \$761,000.00 to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance; and transfer \$286,204.00 in HOME accounts from prior years to projects included in the 2002-2003 HOME program.

Mr. Harris offered the following emergency budget ordinance:

(#35912-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 162.)

Mr. Harris moved the adoption of Ordinance No. 35912-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

Mr. Harris offered the following resolution:

(#35913-061702) A RESOLUTION accepting the Fiscal Year 2002-2003 funds for the HOME Investment Partnerships Program (HOME), and authorizing the proper City officials to execute the requisite Grant Agreement with the United States Department of Housing and Urban Development (HUD).

(For full text of Resolution, see Resolution Book No. 65, page 164.)

Mr. Harris moved the adoption of Resolution No. 35913-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

BUDGET-COMMUNITY PLANNING-GRANTS: The City Manager submitted a communication advising that CDBG is a program of the U. S. Department of Housing and Urban Development (HUD) which offers assistance to the community in many ways; the City has received CDBG entitlement grants each year since inception of the program in 1974 and must submit an action plan annually to HUD to receive such funding; and on May 13, 2002, pursuant to Resolution No. 35848-051302, Council authorized filing the 2002-2003 CDBG application through submission of the Annual Update of the Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD) for FY 2002-2003.

It was further advised that HUD's routine release process is underway, and the HUD approval letter is forthcoming, granting the City access to its 2002-2003 CDBG entitlement of \$2,241,000.00; in addition, \$663,994.00 unexpended from prior year accounts and \$440,034.00 in anticipated program income are also included in the appropriation for fiscal year 2002-2003 programs; and acceptance of the entitlement and appropriation of all funds is needed to permit projects to proceed.

The City Manager recommended adoption of a resolution accepting \$2,241,000.00 in 2002-2003 CDBG funds, contingent upon receipt of the approval letter from HUD; that the City Manager be authorized to execute the required Grant Agreement, Funding Approval, and other forms required by HUD in order to accept the funds; appropriate \$2,241,000.00, entitlement, and \$440,034.00 in anticipated program income to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance; and transfer \$663,994.00 in CDBG accounts from prior years to projects included in the 2002-2003 CDBG program.

Mr. Harris offered the following emergency budget ordinance:

(#35914-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 164.)

Mr. Harris moved the adoption of Ordinance No. 35914-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----5.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

(Council Member Bestpitch abstained from voting inasmuch as his spouse is employed by the YMCA which is one of the organizations recommended for funding.)

Mr. Harris offered the following resolution:

(#35915-061702) A RESOLUTION accepting the fiscal year 2002-2003 funds for the Community Development Block Grant program, and authorizing the City Manager to execute the requisite Grant Agreement with the United States Department of Housing and Urban Development (HUD).

(For full text of Resolution, see Resolution Book No. 65, page 168.)

Mr. Harris moved the adoption of Resolution No. 35915-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----5.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

(Council Member Bestpitch abstained from voting inasmuch as his spouse is employed by the YMCA which is one of the organizations recommended for funding.)

BUDGET-COMMUNICATIONS DEPARTMENT-TELEPHONE -EQUIPMENT: The City Manager submitted a communication advising that the City currently has a fiber optic based metropolitan area network, which was implemented in 1998-99; the current equipment was installed at that time to support a token ring environment, however, the City is currently migrating to an all Ethernet and TCP/IP network environment; and upgrading to a Symmetrical Optical Network (SONET) will position the City to better utilize the investment made in the fiber network and allow for implementation of new technologies over the fiber infrastructure such as faster data transmission, video conferencing and voice transmission capabilities on the network for a telephone system solution that will be implemented in October.

It was further advised that an Invitation for Bid for Metropolitan Area Network SONET Ring Equipment was issued on March 20, 2002; six bids were received with The Presidio Corporation submitting the low bid, in the amount of \$683,905.67; funding in the amount of \$487,000.00 is available in Account No. 013-430-9854-9003, Expansion of Network Capacity, and in the amount of \$196,905.00 in Account No. 013-430-9860-9003, Network Storage Management.

The City Manager recommended that she be authorized to accept the bid of The Presidio Corporation in the amount of \$683,905.67; reject all other bids received by the City; and transfer \$196,906.00 from Account No. 013-430-9860-9003 to Account No. 013-430-9854-9003.

Mr. Harris offered the following emergency budget ordinance:

(#35916-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Department of Technology Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 168.)

Mr. Harris moved the adoption of Ordinance No. 35916-061702. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

Mr. Harris offered the following resolution:

(#35917-061702) A RESOLUTION accepting the bid of The Presidio Corporation for the purchase and installation of the Metropolitan Area Network SONET Ring Equipment, upon certain terms and conditions; and rejecting all other bids.

(For full text of Resolution, see Resolution Book No. 65, page 169.)

Mr. Harris moved the adoption of Resolution No. 35917-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

BRIDGES-SIGNS/BILLBOARDS/AWNINGS-CONSULTANTS REPORTS: The City Manager submitted a communication advising that the 1978 Surface Transportation Act enacted by Congress requires that all bridges, including "off Federal Aid System" structures, must be included in the annual inspection program; Bridge Inspection Reports are required on 66 structures in the City of Roanoke this year; 31 structures are inspected annually while 35 structures are inspected bi-annually; the Federal Highway Administration has established a new requirement that overhead sign structures are to be inspected, 15 of which exist within the City of Roanoke; and one tunnel is in need of inspection.

It was further advised that a Request for Proposals for technical inspection and reports were publicly advertised and received from Hayes, Seay, Mattern & Mattern, Inc., L.A. Gates Company, and Mattern & Craig, Inc.; and a selection committee conducted interviews with all three firms.

It was further advised that the complexity of bridge inspections led staff to select two qualified firms to complete the work by apportioning the work among two firms; negotiations were conducted with the two most qualified firms, Hayes, Seay, Mattern & Mattern, Inc., and Mattern & Craig, Inc., both firms have agreed to contracts for the first year with up to two additional one year extensions; Hayes, Seay, Mattern & Mattern, Inc. has agreed to inspect 30 bridges and 15 overhead signs at a cost of \$71,200.00; Mattern & Craig, Inc., has agreed to inspect 36 bridges and one tunnel at a cost of \$60,600.00; and funding in the amount of \$131,800.00 is available for first year contracts in Account No. 001-530-4310-3072 in the Fiscal Year 2002-03 budget.

The City Manager recommended that she be authorized to execute separate Contracts for Consulting Services with Hayes, Seay, Mattern & Mattern, Inc. and Mattern & Craig, Inc., in the amounts of \$71,200.00 and \$60,600.00, respectively, for the first year (2002) for bridge and overhead sign structure and tunnel inspection services, which contracts may be extended for two additional one-year terms at the option of the City of Roanoke.

Mr. Harris offered the following resolution:

(#35918-061702) A RESOLUTION authorizing a contract with Hayes, Seay, Mattern & Mattern, Inc., for engineering services for the inspection of 30 bridges and 15 overhead signs and related work in connection with the Three Year Bridge Inspection Program (2002 - 2004).

(For full text of Resolution, see Resolution Book No. 65, page 170.)

Mr. Harris moved the adoption of Resolution No. 35918-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

Mr. Harris offered the following resolution:

(#35919-061702) A RESOLUTION authorizing a contract with Mattern & Craig, Inc., for engineering services for the inspection of 36 bridges, one tunnel, and related work in connection with the Three Year Bridge Inspection Program (2002 - 2004).

(For full text of Resolution, see Resolution Book No. 65, page 171.)

Mr. Harris moved the adoption of Resolution No. 35919-061702. The motion was seconded by Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

BUDGET-GRANTS-YOUTH: The City Manager submitted a communication advising that the City of Roanoke continues to provide for the nutritional needs of children and youth during the summer months through its Office on Youth supervised Summer Nutrition Program; breakfast and lunch are provided to children throughout the City from mid-June through early August; and more than 2,300 children/youth received lunch and/or breakfast on a daily basis at 18 sites during the summer of 2001.

It was further advised that funds for the program, now in its ninth year, are provided through the United States Department of Agriculture Food and Nutrition Service; the program is similar in concept to the National School Lunch Program with eligibility requirements much like those used to determine eligibility for free or reduced priced meals during the school year; the purpose is to provide nutritionally balanced healthy meals to children ages one through 18; adult, summer staff manage the program and youth are hired to assist at feeding locations, with the City reimbursed on a per meal basis; and local cash match in the amount of \$15,000.00 was appropriated in the fiscal year 2003 General Fund budget, Human Services Support, Account No. 001-630-1270-2010.

The City Manager recommended that she be authorized to accept projected Federal funds in the amount of \$151,193.00 from the United States Department of Agriculture Food and Nutrition Service; decrease fiscal year 2003 Human Services Support Account No. 001-630-1270-2010 by \$15,000.00 and increase fiscal year 2003 budget estimate for the Transfer to Grant Fund Account No. 001-250-9310-9535 by \$15,000.00; transfer \$15,000.00 local cash match to the grant fund; and authorize the Director of Finance to establish a revenue estimate, in the amount of \$151,193.00, and appropriate funds to expenditure accounts.

Mr. Hudson offered the following emergency budget ordinance:

(#35920-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 172.)

Mr. Hudson moved the adoption of Ordinance No. 35920-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

Mr. Hudson offered the following resolution:

(#35921-061702) A RESOLUTION authorizing acceptance of reimbursement from USDA Food and Nutrition Service on behalf of the City for program costs for the implementation of the summer program, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

(For full text of Resolution, see Resolution Book No. 65, page 173.)

Mr. Hudson moved the adoption of Resolution No. 35921-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

BUDGET-CONSULTANTS REPORT- WATER RESOURCES: The City Manager submitted a communication advising that the Utility Department staff has identified four projects to improve water system reliability and increase service conditions to the citizens of Roanoke, which projects include a pump station and associated water main improvements to increase service to Mill Mountain and the neighborhoods bounded by Walnut Avenue and Hamilton Terrace, water transmission main improvements to Orange Avenue, N.W., Hollins Road, N.E., and Brambleton Avenue, S.W.

It was further advised that proposals were received from ten engineering firms, three of which were short listed and interviewed; Mattern & Craig, Inc., was selected; City staff has negotiated acceptable agreements for the above referenced work in the form of a lump sum fee for the four projects as follows: Mill Mountain Service Line-\$58,876.00, Orange Avenue -\$30,265.00, Hollins Road -\$70,055.00, and Brambleton Avenue -\$33,310.00; funding is available from retained earnings in the Water Fund, and needs to be appropriated by Council; and the City Manager has authority to execute each contract inasmuch as each is within the authority as set forth in the City Code.

The City Manager recommended appropriation of \$192,506.00 from Water Fund retained earnings to accounts to be established by the Director of Finance to provide design and consulting services for the above referenced Water System Distribution Improvement projects.

Mr. Harris offered the following emergency budget ordinance:

(#35922-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Water Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 174.)

Mr. Harris moved the adoption of Ordinance No. 35922-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

(The Mayor entered the meeting at 3:15 p.m.)

SEWERS AND STORM DRAINS-BUDGET-WATER RESOURCES: The City Manager submitted a communication advising that the procedure for preparing a project for construction is a lengthy process due to the time required to complete the design, finalize construction documents and acquire the necessary property or easements; funding of \$2.0 million for construction of storm drain projects is planned in the next general obligation bond issue expected to be issued in approximately fiscal year 2004; and in order to be proactive, the Engineering Division is moving forward with design of numerous storm drain projects so that construction may begin soon after funding is available.

It was further advised that a Request for Proposals was sent to 12 engineering firms inviting them to submit their qualifications; eight firms were interviewed and six firms were selected to provide design services; and the CIP Storm Drainage Projects List has been reviewed, and the following highest rated priority projects have been selected for design:

PROJECT	DESIGN FIRM	ESTIMATED DESIGN COSTS
1528 Cove Road Trevino Drive Phase II	Draper Aden Associates, Inc. 2206 South Main Street Blacksburg, Virginia 24060	\$ 30,000.00
Westover Avenue (2500 Block) Harvest Lane Drainage Project	Anderson & Associates of Virginia, Inc. 100 Ardmore Street Blacksburg, Virginia 24060	\$ 30,000.00

4457 Ohio Street 3132 Courtland Avenue (800 Block Queen Avenue, 3100 Block Lyndhurst Street)	Caldwell-White Associates, PLC 4203 Melrose Avenue, N.W. Roanoke, Virginia 24017	\$ 30,000.00
4501 & 4513 Narrows Lane	LMW, P.C. 102 Albemarle Avenue, S.E. Roanoke, Virginia 24013	\$ 15,000.00
Ore Branch Channel Stabilization	Hayes, Seay, Mattern & Mattern, Inc. 1315 Franklin Road, S.W. Roanoke, Virginia 24016	\$ 30,000.00
RCIT Detention Maintenance at Cooper Industries RCIT Detention Maintenance at Orvis/Elizabeth Arden	Engineering Concepts, Inc. 20 South Roanoke Street Fincastle, Virginia 24090	\$ 30,000.00
Moomaw Heights 738 Windsor Avenue	LMW, P.C. 102 Albemarle Avenue, S.E. Roanoke, Virginia 24013	\$ 30,000.00

It was explained that the cost to fund the design of the above listed of storm drain projects is \$195,000.00; and funding is available in Public Improvement Bonds-Series 1999, Account No. 008-052-9709-9176.

The City Manager recommended transfer of \$195,000.00 from Account No. 008-052-9709-9176, Public Improvement Bonds-Series 1999, to new capital projects accounts to be established by the Director of Finance.

Mr. Carder offered the following emergency budget ordinance:

(#35923-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 175.)

Mr. Carder moved the adoption of Ordinance No. 35923-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

RAILSIDE LINEAR WALK: The City Manager submitted a communication advising that Breakell, Inc., was awarded a contract, in the amount of \$645,969.00, for construction of Phase V of the Railside Linear Walk Project; Phase V will erect the elevated walkway along Warehouse Row; Change Order No. 1 was administratively approved, in the amount of \$343.00, with a contract time extension of three days; and Change Order No. 2 was requested to assist future development of eight Warehouse Row properties west of the InSystems Technologies building located along Norfolk Avenue, S.W.

It was further advised that while this area is under construction, this is the appropriate time to provide the necessary utility and telecommunication upgrades; the capacity will be provided for each building to be utilized as a restaurant or high-tech office space; the waterline to each building will be upgraded in order to supply adequate water service; placement of conduits to each building will allow for future access of various cable companies, telephone services, internet service, etc., as needed by the tenant; and as each building is remodeled, the fire code will require the building to have a sprinkler system and a six inch waterline installed to each building will be provided to support fire protection demands; and total cost of Change Order No. 2 is \$683,952.00, and funding is available in Account No. 008-530-9759, Railside Linear Walk-Phase V.

The City Manager recommended that she be authorized to execute Change Order No. 2 in the amount of \$37,640.00, with Breakell, Inc., with a contract time extension of three days.

Mr. Carder offered the following emergency ordinance:

(#35924-061702) AN ORDINANCE authorizing the City Manager's issuance of Change Order No. 2 to the City's contract with Breakell, Inc., for upgrading the existing ¾" water service to 2" water service, installing waterlines, and installing two 4" and one 2" schedule 80 PVC conduits to each of the eight buildings west of the InSystems Technologies building, located along Norfolk Avenue, S. W., along Warehouse Row, in connection with Phase V of the Railside Linear Walk Project; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 177.)

Mr. Carder moved the adoption of Ordinance No. 35924-061702. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

WATER RESOURCES: The City Manager submitted a communication advising that Mid Eastern Builders, Inc., was awarded a contract, in the amount of \$4,477,000.00, at the October 1, 2001 meeting of City Council for building construction and equipment installation at the Crystal Spring Water Treatment (Filtration) Plant, as defined in contract documents prepared by Wiley & Wilson, Inc.; Change Order No. 1 was administratively approved in the amount of \$14,902.00 and Change Order No. 2 was approved by Council at its meeting on Monday, May 20, 2002, in the amount of \$108,216.00, with a contract time extension of two days; Change Order No. 3 addresses changes in the proposed construction due to plan review comments provided by the Virginia Department of Health (VDH); and total cost of Change Order No. 3 is \$41,224.00, for a total contract amount of \$4,641,342.00.

It was explained that funding for Change Order No. 3, in the amount of \$41,224.00, is available in Account No. 002-530-8397, Crystal Spring Water Treatment Plant Construction.

The City Manager recommended that she be authorized to execute Change Order No. 3, in amount of \$41,224.00, with Mid Eastern Builders, Inc.

Mr. Harris offered the following emergency ordinance:

(#35925-061702) AN ORDINANCE authorizing the City Manager's issuance of Change Order No. 3 to the City's contract with Mid Eastern Builders, Inc., in connection with the Crystal Spring Water Treatment (Filtration) Plant Project; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 178.)

Mr. Harris moved the adoption of Ordinance No. 35925-061702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that the City's current agreement for the provision of ticketing services at the Roanoke Civic Center expires on July 31, 2002; in order to secure a ticket service provider, Council authorized the process identified as "competitive negotiation" at its meeting on January 7, 2002; sealed proposals were received from four vendors and a selection committee reviewed the proposals and selected two finalists that

were interviewed in accordance with City Code Section 23.1-4.1 (c); and selection criteria included experience, ability and capacity to perform required duties and responsibilities, equipment, service and maintenance, marketing, price, and revenue opportunities for the City.

It was further advised that the selection committee selected Tickets.com, Inc., as the company whose proposal best meets the interests of the City; on May 20, 2002, the Civic Center Commission authorized the Chair of the Commission to forward a letter to Council recommending a five year agreement between the City and Tickets.com, Inc., for ticketing services at the Roanoke Civic Center, and other City Civic Facilities, as Council may deem appropriate, and subject to receipt of a contract from with terms acceptable to the Director of Civic Facilities and the City Manager; a contract has been received and is acceptable which contains a mutual indemnity clause; and there are no funding issues.

The City Manager recommended that Council accept the proposal of Tickets.com, Inc. and authorize the City Manager to execute a five-year contract, with an option to renew for up to five additional years, to provide ticketing services at Roanoke Civic Facilities and to take such further action and/or to execute such further documents as may be necessary to implement and administer the contract.

Mr. Carder offered the following resolution:

(#35926-061702) A RESOLUTION accepting the proposal of Tickets.com, Inc., to provide ticketing and related services for the City's Civic Facilities for a five year period with an option to renew for up to an additional five years upon mutual agreement by parties, and upon other terms and conditions; authorizing the proper City officials to execute the requisite contract for same; and rejecting all other proposals made to the City.

(For full text of Resolution, see Resolution Book No. 65, page 179.)

Mr. Carder moved the adoption of Resolution No. 35926-061702. The motion was seconded by Mr. Harris.

Council Member Wyatt inquired as to the composition of the selection committee; whereupon, the City Manager advised that the committee was composed of the following City employees: Alicia Stone, James Evans, Christine Powell, Sheila Hairston and May Huff.

Ms. Wyatt raised questions with regard to seasonal account storage; whereupon, the City Manager advised that she would respond later in the meeting. She inquired about an initial \$10,000.00 and an additional \$10,000.00 every five years for start up costs for marketing support; whereupon, the City Manager responded that Tickets.com, Inc., has committed to marketing the system and will use the funds toward marketing efforts.

Ms. Wyatt inquired about local maintenance support to which the City Manager advised that Tickets.com will employ a full time person in the Roanoke area who will be responsible for maintaining machines.

Ms. Wyatt addressed the issue of exclusivity and its impact on the NBDL, the Roanoke Steam, and the Express Hockey that sell season tickets directly to patrons; whereupon, the City Manager advised that the proposed contract does not affect season tickets, the proposed contract, was reviewed by representatives of those franchises currently operating at the Civic Center, and no concerns were expressed regarding the method of selling season tickets.

Ms. Wyatt referred to the cost of tickets, for example: if a patron purchases a \$9.00 hockey ticket, under the Ticket.com, Inc., contract, she inquired if there be an additional \$3.00 added as a handling fee and will the \$3.00 be a part of the \$9.00 ticket, or will there be a higher cost ticket. The City Manager advised that she would respond to the question later in the Council meeting.

In view of numerous questions that need to be answered, Ms. Wyatt requested that action on the matter be tabled until the City Manager has had an opportunity to respond.

It was the consensus of Council to table the matter until the end of the Council meeting at which time City staff will respond to Council Member Wyatt's questions.

BUDGET-SIGNS/BILLBOARDS/AWNINGS-ROANOKE CIVIC CENTER: The City Manager called attention to a project that will provide a new freestanding sign ("marquee") for the Roanoke Civic Center that will be visible to vehicular traffic using Interstate I-581 along the western edge of the multi-building complex; there is currently no means to announce upcoming events or events taking place that day at the facility along that side of the facility, and the sign will serve to supplement an existing sign that is installed along the Williamson Road side of the building complex; the project will also provide for the interface of computer software used by both signs to permit separate or simultaneous display of message and graphics for the two signs; and the new sign has received preliminary approval from the Virginia Department of Transportation and will comply with the requirements of the City's zoning ordinance.

It was further advised that after proper advertisement, four bids were received, with Acken Signs, Inc., submitting the low bid, in the amount of \$139,373.00; and a construction of 120 consecutive calendar days.

It was explained that funding in the amount of \$150,000.00 is needed for the project; additional funds that exceed the contract amount will be used for miscellaneous project expenses, including landscaping around the base of the sign, advertising, printing, testing services, minor variations in bid quantities, and unforeseen project expenses; and funding in the amount of \$43,500.00 is available from Civic Facilities Capital Outlay, Account No. 005-550-2108-9015, and \$106,500.00 is available from Account No. 005-550-8616, Civic Center Expansion/Renovation Phase II, from the fiscal year 2003 adopted budget.

The City Manager recommended that Council accept the bid of Acken Signs, Inc., the amount of \$139,373.00, with 120 consecutive calendar days contract time; reject other bids received by the City; transfer \$43,500.00 from Account No. 005-550-2108-9015 to Civic Center Expansion/Renovation Phase II, Account No. 005-550-8616.

Mr. Carder offered the following emergency budget ordinance:

(#35927-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Civic Center Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 180.)

Mr. Carder moved the adoption of Ordinance No. 35927-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Harris offered the following emergency ordinance:

(#35928-061702) AN ORDINANCE accepting the bid of Acken Signs, Inc., for the new freestanding sign ("marquee") for the Roanoke Civic Center that will be visible to vehicular traffic using Interstate I-581 along the western edge of the multi-building complex, and providing for the interface of computer software used by the new sign and the existing sign to permit separate or simultaneous display of message and graphics for the two signs, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 184.)

Mr. Harris moved the adoption of Ordinance No. 35928-061702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

The City Manager advised that some persons might question the need for a marquee on both sides of the civic center complex, and noted that in the past, the Virginia Department of Transportation has denied the City's requests to install a marquee on the I-581 side of the building. She called attention to the persistence of the Roanoke Civic Center Commission and through continuing dialogue with VDOT, the request for a marquee has been approved which will allow the City to promote not only events at the Roanoke Civic Center, but other activities in and around the City of Roanoke.

Ms. Wyatt called attention to the dedication of Vernon M. Danielsen, member of the Roanoke Civic Center Commission, who will leave his position on September 30, 2002, and requested that he be invited to dedication activities.

AUDITS/FINANCIAL REPORTS -BUDGET-HUMAN DEVELOPMENT-COMMITTEES: The City Manager submitted a communication advising that the Human Services Committee budget, in the amount of \$484,264.00, was established by Council, pursuant to adoption of the General Fund budget for fiscal year 2002-03 on Monday, May 13, 2002; requests from 42 agencies, totaling \$1,058,648.55 were received; committee members studied each application prior to an allocation meeting which was held on April 9, 2002; and agencies were notified of tentative allocations and advised they could appeal the recommendations.

It was further advised that appeals of Committee recommendations were received after notification to each agency of its tentative recommended allocation; appeals were filed and heard from Blue Ridge Legal Services, Bradley Free Clinic, TAP-IDA Program, and National Multiple Sclerosis Society; following the hearing of appeals, Blue Ridge Legal Services was allocated \$3,000.00, Bradley Free Clinic was increased from \$5,000.00 to \$30,000.00, the National Multiple Sclerosis Society was allocated \$1,495.00 and the TAP – IDA Program was denied funding; and performance audits will be conducted by the Council of Community Services to evaluate effectiveness and efficiency of funded programs.

The City Manager recommended that Council authorize transfer of \$484,264.00 from Human Services Committee, Account No. 001-630-5220-3700, to new line items to be established within the Human Services Committee budget by the Director of Finance; that the City Manager be authorized to execute contracts with The Salvation Army for the Homeless Housing Program - Red Shield Lodge, (\$14,000.00) and Abused Women's Shelter - The Turning Point, (\$14,000.00), St. John's Community Youth Program, Inc., (\$5,000.00), and the Council of Community Services for performance audits to be conducted, (\$11,000.00).

Mr. Carder offered the following emergency budget ordinance:

(#35929-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 183.)

Mr. Carder moved the adoption of Ordinance No. 35929-061702. The motion was seconded by Mr. Harris.

Council Member Bestpitch asked if he is required to abstain from voting on the matter since his spouse is employed by the YMCA; whereupon, the City Attorney responded in the negative, advising that funds represent General Fund appropriations which are covered by State law and Mr. Bestpitch has no conflict of interest under the Code of Virginia.

Ordinance No. 35929-061702 was adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following resolution:

(#35930-061702) A RESOLUTION concurring in the recommendations of the Human Services Committee for allocation of City funds to various nonprofit agencies and performance audits for Fiscal Year 2002-2003, and authorizing the City Manager, or her designee, to execute a contract with The Salvation Army for provision of services under the Homeless Housing Program and/or Abused Women's Shelter, to execute a contract with St. John's Community Youth Program, Inc., for provision of services, and to execute a contract with the Council of Community Services to perform the necessary audits.

(For full text of Resolution, see Resolution Book No. 65, page 185.)

Mr. Carder moved the adoption of Resolution No. 35930-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

If additional funds become available, Ms. Wyatt requested that consideration be given to the Boys and Girls Clubs and Apple Ridge Farms, both of which provide services to many of Roanoke's most disadvantaged children.

BUDGET-COMMITTEES-ROANOKE ARTS COMMISSION: The City Manager submitted a communication advising that the Roanoke Arts Commission budget for funds to be allocated to cultural agencies, in the amount of \$289,112.00, was established by Council, pursuant to adoption of the General Fund budget for fiscal year 2002-03; requests from 15 agencies totaling \$456,410.00 were received; and Committee members studied each application prior to an allocation meeting which was held on April 10, 2002; agencies were notified of tentative allocations and advised that they could appeal recommendations, however, no appeals were filed.

The City Manager recommended that Council authorize transfer of \$289,112.00 from Account No. 001-310-5221-3700, to new line items to be established within the Roanoke Arts Commission budget by the Director of Finance for fiscal year 2002-03.

Mr. Carder offered the following emergency budget ordinance:

(#35931-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 187.)

Mr. Carder moved the adoption of Ordinance No. 35931-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET-GRANTS-YOUTH: The City Manager submitted a communication advising that the Department of Criminal Justice Services notified the City of Roanoke and Roanoke County in May, 2002 of an allocation of funds under the Juvenile Accountability Incentive Block Grant Program (JAIBG); and allocation of \$48,493.00 in Federal funds was awarded jointly to the two jurisdictions, with a local match of \$5,388.00 being required.

It was further advised that the allocation formula provides \$34,706.00 Federal and \$3,856.00 match for Roanoke City and \$13,787.00 Federal and \$1,532.00 match for Roanoke County; staff from the jurisdictions have met and developed program proposals for use of the funding; Roanoke County will provide a substance abuse intervention education program through the schools; Roanoke City, in collaboration with the Boys & Girls Club, will provide services to students suspended or otherwise absent from school during the day; funding for the City's match of \$3,856.00 is included in Account No. 001-631-3330-8005, Outreach Detention; and Roanoke City will serve as fiscal agent for the funds.

The City Manager recommended that she, or her designee, be authorized to accept the grant allocation of \$34,706.00 (Roanoke City) and \$13,787.00 (Roanoke County), totaling \$48,493.00; authorize appropriation of \$3,856.00 from Account No. 001-631-3330-8005, Outreach Detention, to an account for allocation to be established by the Director of Finance; and that the Director of Finance be authorized to establish appropriation amounts and revenue estimates for the grant.

Mr. Carder offered the following emergency budget ordinance:

(#35932-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and Grant Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 188.)

Mr. Carder moved the adoption of Ordinance No. 35932-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Hudson offered the following resolution:

(#35933-061702) A RESOLUTION authorizing acceptance of a Juvenile Accountability Incentive Block Grant from the Virginia Department of Criminal Justice Services on behalf of the City, authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

(For full text of Resolution, see Resolution Book No. 65, page 190.)

Mr. Hudson moved the adoption of Resolution No. 35933 -061702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-HUMAN DEVELOPMENT: The City Manager submitted a communication advising that the Comprehensive Services Act (CSA) established in 1993, provides residential and non-residential treatment services to troubled and at-risk youths and their families through a collaborative system of state and local agencies, parents, and private service providers; such services include mandated foster care, certain special education services, and foster care prevention; CSA also provides services to certain targeted non-mandated populations; CSA expenditures are projected at \$8,999,119.00; which expenditures exceed the CSA appropriation of \$8,400,000.00 by \$599,119.00, and require an additional local share in the amount of \$184,049.00; and expenditures are over budget due to increased Special Education referrals for private day and residential placements.

The City Manager recommended that Council:

- increase the General Fund Revenue estimate by \$415,070.00 to CSA Revenue Account No. 001-110-1234-0692,**
- transfer funds in the amount of \$184,049.00 from Transfer to School Fund (001-250-9310-9530) for educationally mandated placements,**
- appropriate funding in the amount of \$599,119.00 to the following accounts:**

001-630-5410-3185 Special Education-Residential	\$191,718.00
001-630-5410-3187 Special Education-Private Day Facilities	371,454.00
001-630-5410-3188 Special Education-Public Day Facilities	<u>35,947.00</u>
	\$599,119.00

Mr. Carder offered the following emergency budget ordinance:

(#35934-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 191.)

Mr. Carder moved the adoption of Ordinance No. 35934-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

CONVENTION AND VISITORS BUREAU-TOURISM: The City Manager submitted a communication advising that the City of Roanoke has annually entered into an agreement with the Roanoke Valley Convention and Visitors Bureau (RVCVB) to provide funding for marketing the Roanoke Valley as a convention and destination tourism site; as part of the fiscal year 2002-2003 Annual Operating budget adopted by Council, the Memberships and Affiliations budget included funding of \$541,440.00 specifically designated for the RVCVB; with an additional \$285,714.00 designated for marketing efforts; and the additional \$285,714.00 will be adjusted up or down in subsequent years based on an amount equal to the actual revenues collected from the one per cent increase in the transient occupancy tax.

It was further advised that the City has negotiated a one year agreement commencing July 1, 2002 with the RVCVB detailing the use of funds; in addition, the City of Roanoke will have one less appointment this year to the RVCVC Board of Directors, in accordance with the City Manager's recommendation and the consultant report suggestion that the Board be reduced in size; and the RVCVB submitted a detailed report listing the accomplishments made through April 2002, and an annual budget and work plan for fiscal year 2002-03 will be submitted to the City Manager for review and approval, upon approval by the RVCVB Board of Directors.

The City Manager recommended that she be authorized to execute an agreement, in the amount of \$827,154.00, with the Roanoke Valley Convention and Visitor Bureau, upon form approved by the City Attorney, for the purpose of marketing the Roanoke Valley as a regional destination for convention and destination tourism, and authorize the Director of Finance to make the necessary adjustments as set forth in the agreement.

Mr. Carder offered the following resolution:

(#35935-061702) A RESOLUTION authorizing an agreement with the Roanoke Valley Convention and Visitors Bureau for the purpose of increasing tourism in the Roanoke Valley.

(For full text of Resolution, see Resolution Book No. 65, page 193.)

Mr. Carder moved the adoption of Resolution No. 35935-061702. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

CITY CODE-REFUSE COLLECTION: The City Manager submitted a communication advising that at the May 9, 2002, budget-briefing session, Council Member Hudson raised a question regarding responsibility of landlords for setout of bulk items when tenants are evicted; and typically, evictions that are scheduled through the Sheriff's Department are coordinated with Solid Waste Management for collection of bulk item materials placed at the curb for collection.

It was further advised that on a larger scale, there continues to be a problem of bulk item and brush setouts by homeowners and landlords that exceed the limits prescribed by the City Code, or which are not in conformance with the regularly scheduled collection day, which is an issue that the Enforcement Officer of Solid Waste Management must contend with on a routine basis; most residents are cooperative when advised of the need to remove items from the curb that are excessive in quantity, or are placed too early for collection, however, some citizens are not cooperative when directed to comply; while those in violation can be charged with a criminal violation, the process can require more time than is desired to effect the removal of excessive bulk items and brush from public view; and it is also important to note that citizens currently have the option to take 12 loads of bulk and brush to the Transfer Station each year free of charge and landlords have the option to take four loads per rental property to the Transfer Station each year free of charge.

It was explained that City staff has evaluated ordinances of benchmark localities from the Virginia First Cities Coalition to identify methods of enforcement for similar situations; based upon research, a revised ordinance has been prepared which would require notification of the owner or occupant responsible for setting out the bulk items or brush to remove the bulk items or brush materials within 24 hours; failure to comply would cause removal of the materials by Solid Waste Management, for which a fee would be assessed to the owner or occupant which would cover costs of collection and disposal of any solid waste which is set out in violation of the Solid Waste Ordinance; and a City Code amendment is also needed to prohibit the placement of tires inside of automated collection containers (Big Blues).

The City Manager recommended that Council adopt an ordinance encompassing the above referenced revisions.

Mr. Carder offered the following ordinance:

(#35936-061702) AN ORDINANCE amending and reordaining §14.1-3, Littering, of Article I, In General, of Chapter 14.1, Solid Waste Management, of the Code of the City of Roanoke (1979), as amended, by adding new subsections (f) and (g), and amending and reordaining §14.1-21, Certain solid waste not to be collected – Generally, of Article I, In General, of Chapter 14.1, Solid Waste Management, of the Code of the City of Roanoke (1979), as amended; and dispensing with the second reading by title of this ordinance

(For full text of Ordinance, see Ordinance Book No. 65, page 194.)

Mr. Carder moved the adoption of Ordinance No. 35936-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

CITY CODE-CITY EMPLOYEES: The City Manager submitted a communication advising that Council would like to recognize employees for efforts and accomplishments during fiscal year 2002 related to Council's goals; to do so, a one time floating holiday is recommended that will be earned for Friday, July 5, 2002; City offices will be open on Friday, July 5, 2002, and all non-temporary employees on the payroll as of said date will earn eight hours of holiday leave (12 hours for Fire-EMS 24-hour scheduled employees); the holiday may be taken on Friday, July 5, 2002, with appropriate supervisory approval, or at a later date; and Personnel Operating Procedures that limit the carry over of holiday time to 24 hours per year remain in effect.

The City Manager recommended that Council approve the additional floating holiday for July 5, 2002.

Mr. Carder offered the following emergency ordinance:

(#35937-061702) AN ORDINANCE amending and reordaining subsection (c) of §2-37, Office hours, work weeks and holidays, Code of the City of Roanoke (1979), as amended; the amended subsection providing for a floating holiday, Friday, July 5, 2002, for the year 2002 only; and providing for an emergency and an effective date.

(For full text of Ordinance, see Ordinance Book No. 65, page 196.)

Mr. Carder moved the adoption of Ordinance No. 35937-061702. The motion was seconded by Mr. Wyatt and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-CITY EMPLOYEES: The City Manager submitted a communication advising that the fiscal year 2001-2002 General Fund Budget includes funds in the nondepartmental expenditure category for several personnel related accounts; which accounts are budgeted at estimated amounts in the nondepartmental cost center because annual charges of each department are difficult to accurately predict; and actual costs are charged to departments in anticipation of year-end budget transfers to cover the costs.

It was further advised that salary lapse is one of the items included in the nondepartmental category and represents the difference in budgeted City employee salaries and actual salaries; it is created through normal employee attrition and managed hiring and re-engineering efforts undertaken during the year by City staff; at year-end, salary lapse created in departments is credited against the budgeted total salary lapse figure, and any excess salary lapse generated is spread throughout the various departments to cover additional personnel and operational needs; and the largest operational allocation is recommending an additional \$223,000.00 of salary lapse to fund the remaining portion of the Solid Waste Management funding shortfall which was brought to the attention of Council on April 1, 2002.

It was further advised that Workers' Compensation is also initially budgeted in the nondepartmental category; and has been budgeted as a lump sum in the non-departmental category in the General Fund to cover workers' compensation wages and medical expenses; like other personnel related budgets, workers' compensation budgets are established non-departmentally due to the difficulty of predicting which departments will incur these expenses and to what extent; and a proposed budget ordinance allocates the amount in the nondepartmental cost center to departments that have incurred actual costs.

It was explained that the fiscal year 2001-2002 General Fund Budget also included funds in the non-departmental category to cover annual expenditures for unemployment wages, extended illness leave payments, and termination leave wages, as well as anticipated increases in health and dental insurance; these budgets should be allocated to appropriate departmental accounts in the same manner as salary lapse and workers' compensation; a proposed budget ordinance accomplishes the necessary transfers by adjusting each department's regular salaries line rather than adjusting all individual line items; an adjustment is also needed to decrease the revenue estimate for the change in salary estimates for employee salaries reimbursed by the State Compensation Board; after all required allocations are made to personal services and revenues, a balance of \$422,510.00 is available for appropriation to the Transfers to Capital Projects Fund for miscellaneous construction projects.

The City Manager recommended that Council authorize the transfer of funds between accounts and the use of excess budgeted personal services as more fully set forth in an attachment to the report.

Mr. Carder offered the following emergency budget ordinance:

(#35938-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 197.)

Mr. Carder moved the adoption of Ordinance No. 35938-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-INTERNAL SERVICE FUND: The City Manager and the Director of Finance submitted a joint communication advising that the City of Roanoke's Internal Service Funds account for certain services provided to departments of the other funds of the City; Internal Service Funds recover costs by charging receiving departments for services provided; budgeted funds for internal services are allocated in the General Fund in each fiscal year's budget throughout various departments based on estimated usage and usage sometimes varies from original estimates; at this time each fiscal year, it is necessary to make transfers between General Fund departments to provide sufficient funds for internal services for the fiscal year; additionally, budget amounts in the Internal Service Funds are established based on expected transactions for the year; and based on certain higher than anticipated expenses in the area of Risk Management, additional expenses have been incurred and budget adjustments will be needed for said items.

It was further advised that the City accounts for self-insured liabilities in its Risk Management Internal Service Fund, which has incurred costs in excess of budget during fiscal year 2002, and has billed user funds and departments at amounts exceeding original revenue estimates to recover said costs; and to properly balance the budget to actual accounting for the year, the following budgetary adjustments to Risk Management are recommended, and corresponding revenue adjustments will also be made:

Expenditure Accounts

- An increase of \$72,000.00 is needed in Miscellaneous Claims due to the high level of claims paid for water and sewer line breaks.

- An increase in Settlements and Judgments of \$101,000.00 is needed due to the settlement of a large claim.
- Workers' compensation medical expenses need an increase of \$228,000.00 due to a higher than typical level of medical claims paid. This is due to several fairly severe medical conditions that have resulted in costly medical expenses.
- An increase \$35,000.00 is needed to cover the rising costs of insurance policies. The cost of policies has increased as a result of the events of September 11, 2001.

It was advised that the City accounts for its materials warehouse activity in the Materials Control Fund; increases of an equal amount in the Materials Control Fund's revenue and expense estimates are needed for fiscal year 2002 due to a change in accounting method, which grosses rather than nets sales transactions; the change in accounting method was made to more clearly track revenues and expenses resulting from warehouse transactions; and the additional amount of \$165,911.00 required to fully fund the Internal Service Fund charges will be transferred to various departmental internal service accounts from the City Manager's contingency account.

The City Manager and the Director of Finance recommended adoption of a budget ordinance transferring funds.

Mr. Carder offered the following emergency budget ordinance:

(#35939-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General, Risk Management and Materials Control Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 200.)

Mr. Carder moved the adoption of Ordinance No. 35939-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-CAPITAL IMPROVEMENTS PROGRAM: The City Manager and the Director of Finance submitted a joint communication advising that Capital Projects of all types have been approved by Council for construction over the past years; projects have included construction in major categories for buildings, parks, streets,

bridges, sanitary sewers, water projects, storm drains, flood reduction, and various technology related projects; funding was established for each project when Council approved the project based on bids for various project costs, as well as extra funding for possible contingencies; some projects have contingency funds remaining after the final expenditures are made because projects are completed within established budgets; a number of projects have been completed and can be closed and remaining funds may be transferred from the completed projects to capital projects still under construction or to capital improvement reserve accounts for other future construction.

The City Manager and the Director of Finance recommended that Council adopt a budget ordinance, which will transfer funds from completed capital projects into recommended accounts, as more fully set forth in Attachment A of the report.

Mr. Carder offered the following emergency budget ordinance:

(#35940-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Civic Center, Capital Projects and Department of Technology Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 206.)

Mr. Carder moved the adoption of Ordinance No. 35940-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET-GRANTS: The City Manager submitted a communication advising that the Bulletproof Partnership Grant Act of 2001, enacted by the 107th United States Congress, provides funds to eligible law enforcement agencies for purchase of bulletproof vests; the grant program is managed by the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; on May 29, 2001, the City of Roanoke was reimbursed in the amount of \$5,182.75 for vests purchased by the Police Department in Fiscal Year 2001-02; and 27 bulletproof vests were purchased; bulletproof vests are essential equipment for Police Officer safety; all Roanoke Police Officers are issued bulletproof vests and reimbursements of this type ensure that additional vests can be procured in the future for new Police Officers and to replace worn out equipment.

The City Manager recommended that Council accept the Bulletproof Vest Partnership reimbursement of \$5,182.75, authorize execution of agreements related to the grant, and appropriate funds in the amount of \$5,182.75 to an account to be established by the Director of Finance in the Grant Fund for said purpose.

Mr. Hudson offered the following emergency budget ordinance:

(#35941-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 212.)

Mr. Hudson moved the adoption of Ordinance No. 35941-061702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following resolution:

(#35942-061702) A RESOLUTION accepting the grant made to the City by the Department of Justice for the reimbursement of the cost of bulletproof vests, and authorizing execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 65, page 213.)

Mr. Carder moved the adoption of Resolution No. 35942-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

FEE COMPENDIUM-OUTDOOR DINING: The City Manager submitted a communication advising that on April 1, 2002, Council adopted an ordinance to provide for an outdoor dining permit program and amended the Fee Compendium; fees per square foot of area approved for outdoor dining were as follows: \$6.50 per square foot for 2002, \$7.00 per square foot for 2003, and \$8.00 per square foot for 2004; to date, concerns regarding the fee structure have limited interest by applicants in applying for an outdoor dining permit; in an effort to jump-start restaurant applications for outdoor dining, a reduction in fees for calendar year 2002 should be considered; and the annual permit fee after calendar year 2004 will be reconsidered and established by Council as it deems appropriate.

The City Manager recommended that Council amend the Fee Compendium to provide that the original fee of \$6.50 per square foot will be reduced to \$3.25 per square foot for calendar year 2002, with a three month commitment by the applicant, and with the annual permit fee after calendar year 2004 being reconsidered and established by Council as it deems appropriate.

Mr. Bestpitch offered the following ordinance:

(#35943-061702) AN ORDINANCE directing amendment of the Fee Compendium; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 214.)

Mr. Bestpitch moved the adoption of Ordinance No. 35943-061702. The motion was seconded by Mr. Carder.

The City Manager advised that on April 1, 2002, Council adopted an ordinance that provided for an outdoor dining program and amended the Fee Compendium by requiring an application fee, in addition to a per square footage rate, for the leasing of City property, with a requirement that certain start up costs will be absorbed by prospective users of the outdoor dining activity. She further advised that as staff engaged in dialogue with a number of restauranteurs in the downtown area, concern was expressed that initial start up costs, purchase and/or lease of outdoor dining furniture, and the need to identify a suitable storage location for those functions when not in use has caused concern to potential applicants. She noted that the City would like to jump start the outdoor dining activity and an incentive for the first year only would be to reduce the square footage rate by one-half from \$6.50 per square foot to \$3.25 per square foot, with the restaurant making a commitment to be available and open for business at least three months out of the remainder of this calendar year. She stated that if Council approves the request, there is a potential for at least two applications within the next 24 hours for outdoor dining, and asked that Council approve the request as a one time start up for calendar year 2002 only.

Following discussion, Mr. Bestpitch requested that the matter be placed on the Council's Pending Items List for review at the end of the calendar year as to whether the square footage rate should remain at \$3.25. He expressed concern that the proposed square footage charges are considerably higher than those charged by other localities that encourage outdoor dining. In addition, he called attention to discussions by Council in regard to bringing the City's various fees in line with other localities.

The City Manager responded that the City of Roanoke is addressing outdoor dining differently from other communities to which Roanoke has been compared. She advised that Roanoke does not have the width of sidewalk that many other communities have which allows outdoor dining to spill out onto the sidewalks, and because the City of Roanoke is not closing streets on a permanent basis and creating a mall or plaza, certain additional expenses will be incurred due to the need for

barricades on those evenings that outdoor dining occurs, and special solid waste collections, both before and after, to ensure that the area is attractive for City market merchants and for restaurant use will be necessary. She explained that at either the \$6.50 or the \$3.25 per square foot rate, the City will be subsidizing outdoor dining which was the rationale behind a phased in approach up to a rate that would cover the City's costs. She stated that outdoor dining should be reviewed as frequently as necessary, particularly if there is considerable response to the concept.

When the rate structure is reviewed, Ms. Wyatt advised that the length of time that a restaurant commits to renting the space and the actual fees should be taken into consideration; for example: if the rate is \$8.00 per square foot for the year and the restaurant rents the space for only six months, that equals \$4.00 per square foot which is confusing and misleading.

Mr. White inquired about the maximum gross potential if all outdoor dining space is rented; whereupon, the City Manager advised that the figure would be in the range of \$30,000.00.

Mr. Harris advised that the original fees were based upon an estimate of cost recovery for a City service, and if the original rates do not bring the outdoor dining program to full recovery of costs, it then becomes a program that is subsidized by taxpayers. He stated that Council has asked a number of businesses to bear certain additional costs because of the financial condition of the City, the City has adopted the necessary ordinance for outdoor dining, and if the original fees were based on actual cost recovery, the fees should remain as stated in the Fee Compendium to avoid the appearance of favoritism of one industry over another. He stated that he would vote against the City Manager's recommendation based on that premise.

Mr. Bestpitch encouraged Council to review the matter following the first summer of outdoor dining because there will be a much better understanding of actual costs, at which time Mr. Harris' point should be taken into consideration. He stated that he would hope that there will be at least five affirmative votes of the Council in support of the ordinance on the premise that if outdoor dining is to be successful, a jump start may be needed, and the City may have to make more of an investment up front in order to realize a better return in terms of actual cost issues and quality of life.

The City Manager clarified her recommendation to provide that the \$3.25 square foot is with the agreement that the restaurant will guarantee a minimum of three months of operation.

Council Member Harris advised that in order to continue with the Council's business, and based upon the comments that have been made by the City Manager and his fellow Council Members, he will vote for the measure inasmuch as it is applicable to the year 2002 only, and to jump start the program, but after 2002, outdoor dining should be based on cost recovery.

The Mayor spoke in support of the farmers who have made the City Market the success it is today, and they should not be inconvenienced as a result of outdoor dining.

Ordinance No. 35943-061702 was adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

CITY ATTORNEY:

CITY CODE: The City Attorney submitted a written report advising that since 1982, Council has reenacted and recodified the City Code on an annual basis, in order to properly incorporate in the City Code those amendments made by the General Assembly at the previous Session to State statutes that are incorporated by reference in the City Code; the procedure ensures that ordinances codified in the City Code incorporate the most recent amendments to State law, and this incorporation by reference is frequently utilized in local codes to preclude having to set out lengthy provisions of State statutes in their entirety; in addition, the technique ensures that local ordinances are always consistent with State law as is generally required; and that the procedure whereby a local governing body incorporates State statutes by reference after action of the General Assembly has been approved by the Attorney General.

The City Attorney recommended that Council adopt an ordinance to readopt and reenact the Code of the City of Roanoke (1979), advising that if the ordinance is not adopted, City Code sections incorporating provisions of the State Code amended at the last Session of the General Assembly may not be deemed to include the recent amendments and may be impermissibly inconsistent which could result in the dismissal of criminal prosecutions under these City Code sections.

Mr. Bestpitch offered the following emergency ordinance:

(#35944-061702) AN ORDINANCE to readopt and reenact the Code of the City of Roanoke (1979), as amended; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 215.)

Mr. Bestpitch moved the adoption of Ordinance No. 35944-061702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Ordinance No. 35944-061702 was considered out of sequence at the 7:00 p.m. session of Council.)

(Mr. Hudson was absent.)

COUNCIL-BUDGET: The City Attorney submitted a written report transmitting a measure, at the request of Council Member Bestpitch, establishing annual salaries for the Mayor, Vice-Mayor and Council Members for the fiscal year beginning July 1, 2004, which will provide that the Mayor will receive an annual salary of \$19,189.00 and the Vice-Mayor and Members of City Council will receive \$14,925.00.

It was explained that on November 19, 2001, to be effective July 1, 2002, Council adopted an ordinance establishing the salary of the Mayor at \$18,000.00 per year and the salaries of the Vice-Mayor and Members of Council at \$14,490.00 per year; Section 15.2-1414.6, Code of Virginia, 1950, as amended, permits Council to establish the annual salaries of Members of Council, but provides that any increase in such salaries must be adopted at least four months prior to the date of the next municipal election, and no increase can take effect until July 1 after such election; the next regularly scheduled general election of Council Members will take place in May, 2004, thus any ordinance adopted by Council at this time increasing the salaries of Members of Council cannot take effect until July 1, 2004.

Mr. Bestpitch moved that action on the matter be tabled until the next regular meeting of Council on Monday, July 1, 2002. The motion was seconded by Mr. Carder and adopted.

(The item was considered out of sequence at the 7:00 p.m. session of Council. Mr. Hudson was absent.)

AIRPORT-CITY CODE: The City Attorney submitted a written report advising that in order to make all parking fines consistent, various sections of the City Code have been updated; whereupon, he transmitted an ordinance amending and reordaining City Code sections relating to parking at the Roanoke Regional Airport, to provide that penalties for all parking violations throughout the City of Roanoke are consistent.

Mr. Carder offered the following emergency ordinance:

(#35045-061702) AN ORDINANCE adding a new §4-5. Regulation of vehicular and pedestrian traffic – Powers and duties of city manager; amending and reordaining §4-6. Regulation of vehicular and pedestrian traffic – Violations – Generally; amending and reordaining §4-7. Same-Parking violations, of Article I, In General, of Chapter 4, Airport, of the Code of the City of Roanoke (1979), as amended, by the addition of a new subsection (b) and (c); and providing for an emergency and for an effective date.

(For full text of Ordinance, see Ordinance Book No. 65, page 217.)

Mr. Carder moved the adoption of Ordinance No. 35945-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Ordinance No. 35945-061702 was considered out of sequence at the 7:00 p.m., Council session. Mr. Hudson was absent.)

CITY CODE-CITY CHARTER-PROCUREMENT CODE: The City Attorney submitted a written report advising that as requested by Council, the General Assembly, at its 2002 Session, amended the City Charter to increase the threshold for formal competitive procurement from \$30,000.00 to \$50,000.00, which amendment is effective July 1, 2002, and will be applied to City procurement after that date; whereupon, he transmitted an ordinance conforming the City Code to the new Charter provision by amending the threshold for competitive procurement from \$30,000.00 to \$50,000.00; and said amendment also conforms the City Code to the Virginia Public Procurement Act.

Mr. Carder offered the following emergency ordinance:

(#35946-061702) AN ORDINANCE amending and reordaining §23.1-4(a) and (b), Requirement of bidding: power to reject bids, and §23.1-6(g) Exceptions to requirement of competitive procurement, of the Code of the City of Roanoke (1979), as amended, to increase the threshold amounts for competitive procurement from \$30,000.00 to \$50,000.00 consistent with amendments to the City of Roanoke Charter; and providing for an emergency and for an effective date

(For full text of Ordinance, see Ordinance Book No. 65, page 220.)

Mr. Carder moved the adoption of Ordinance No. 35946-061702. The motion was seconded by Mr. Harris.

The City Manager advised that the City Charter amendment brings the City Code and the City Charter into conformance with State Code which has, for several years, provided \$50,000.00 as the threshold at which competitive procurement must be provided. She explained that the City of Roanoke has abided by a lower threshold than is provided by the Code of Virginia.

Mr. White encouraged equitable distribution for purchase of goods and services by the City from a wide range of small businesses.

The Mayor expressed concern about the "good old boy network" which opens the door when raising the threshold from \$30,000.00 to \$50,000.00. He stated that he will support the City Manager's recommendation, but all vendors should have an equal opportunity to provide goods and services, a wide range of goods and services are needed by the City, however, it appears that the same vendors receive the business; therefore, he looks to management to solve the problem.

The City Manager advised that she understands the Mayor's concern and, noted that with greater responsibility comes greater accountability for those departments that work under her supervision. She stated that significant strides have been made in recent months to expand the City's vender list which will be carefully monitored by City staff and by Council.

Ordinance No. 35946-061702 was adopted by the following vote :

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Ordinance No. 35946-061702 was considered out of sequence at the 7:00 p.m. session. Mr. Hudson was absent.)

DIRECTOR OF FINANCE:

BUDGET-GRANTS-SCHOOLS: The Director of Finance submitted a written report summarizing appropriation of the following School Board grants for fiscal year 2002-03:

- \$150,000.00 for the Title I Even Start Family Literacy Grant to provide staff and funding for parental and preschool workshops for family literacy efforts at the preschool and adult education levels.
- \$3,393,239.00 for the Title I Program to provide remedial reading, language arts and mathematics instruction for students in targeted schools.

- **\$1,173,825.00 for the Governor's School Program to provide instruction in science and math to high school students from seven feeder school districts. Local match in the amounts of \$443,210.00 and \$47,740.00 will be provided from Account Nos. 030-062-6001-6346-0588 and 030-065-6007-6998-0588, respectively.**
- **\$39,000.00 for the Summer Youth Employment program which provides training and hands-on experience for disadvantaged or handicapped youth from the inner city, with the goal of enhancing employment potential, developing employment competencies, and enabling students to earn academic credit toward high school.**
- **\$1,913,671.00 for the Flow Through Program to provide aid for the education and guidance of handicapped students.**
- **\$69,755.00 for the Child Specialty Services Program to provide funds for the salary and expenses of the educational coordinator.**
- **\$73,460.00 for the Child Development Clinic Program to provide funds for the salary and expenses of the educational coordinator at the Clinic.**
- **\$222,391.00 for the Juvenile Detention Home Program to provide funds for the salary and expenses of the educational coordinators.**
- **\$135,979.00 for the Preschool Incentive Program to provide orientation and evaluation for handicapped students who will be entering the public school system for the first time during the fall.**
- **\$170,173.00 for the Special Education Jail Program which provides funds for the salary and expenses of the staff providing special education instruction and screening services to inmates of the Roanoke City Jail.**
- **\$163,604.00 for the Adult Basic Education Program to provide funds for the education of adults who have not completed high school. Local match in the amount of \$22,700.00 will be provided from Account No. 030-062-6001-6450-0588.**
- **\$131,211.00 for the Apprenticeship Program to provide on-the-job and classroom vocational instruction for students in the apprenticeship program.**
- **\$49,960.00 for the Jobs for Virginia Graduates Program which follows the curriculum of the Jobs for America's Graduates program, to provide classroom training and work experience to assist at least 25 economically disadvantaged students to prepare for high school graduation or to sit for the General Education Development (GED) examination. Assistance will be provided to students to find employment in a job which will allow for transition from school to work. Local match in the amount of \$28,960.00 will be provided from Account No. 030-062-6001-6100-0204.**

- **\$397,251.00 for the Perkins Act Program to provide funds for vocational equipment.**
- **\$35,000.00 for the Regional Adult Education Specialist Program to provide ancillary and support services for the Adult Literacy and Basic Education Program in the planning district which includes the Cities of Roanoke, Salem, Covington and Clifton Forge and the Counties of Roanoke, Craig, Botetourt and Alleghany.**
- **\$150,098.00 for the Regional Adult Literacy (TAP) Program to provide funds for the administration of adult literacy programs in Alleghany County, Roanoke County and the Cities of Covington, Clifton Forge and Salem.**
- **\$18,612.00 for the General Education Development (GED) Testing Program to provide instructors for GED preparation classes and for administration of the GED examinations. The source of funds is student fees.**
- **\$26,913.00 for the Workplace Education Program to provide instructional programs developed with area business establishments for employees at the work sites. Programs include the development of knowledge and skills, in areas including preparation for the GED examination, reading comprehension, telephone usage, other work skills, and English as a second language. Funding for the program is provided through the assessment of fees.**
- **\$35,222.00 for the Regional Adult Basic Education Program to provide funds for administration of adult literacy programs in Botetourt County and Craig County. Roanoke City serves as the regional coordinating agency for Adult Basic Education. Funds pass through the school district to the jurisdictions indicated for adult literacy programs.**
- **\$21,341.00 for the Adult Education in the Jail Program to provide for instruction to inmates in the Roanoke City Jail to aid in acquisition of the General Education Development (GED) certificate.**
- **\$75,000.00 for the Grants Management Program to provide funding for operating expenses of the Office of Grants.**
- **\$35,000.00 for the Homeless Assistance Program to provide instructional services to homeless students.**
- **\$1,472,708.00 for the Alternative Education Program to provide alternative curriculum and training for high risk students at the Noel C. Taylor Learning Academy, with a focus on improving the total self concept of the student. Local match revenue in the amount of \$1,402,082.00 will be provided from Account No. 030-063-6001-6300-0588.**

- **\$212,232.00 for the Title V-A Program to provide funds for implementation of innovative instructional programs in the school district and to provide visiting teacher services. Local match in the amount of \$27,308.00 will be provided from Account No. 030-061-6001-6000-0202.**
- **\$122,107.00 for the Eisenhower Title II Professional Development program which provides funds for development of innovative math, science and technology teaching strategies to implement Virginia's Standards of Learning.**
- **\$760,522.00 for Title VI Class Size Reduction initiative which provides funds for the placement of 12 classroom teachers to be placed in grades one through three throughout the district to reduce class size in those grades to no higher than 18. Local match in the amount of \$145,566.00 will be provided from Account No. 030-061-6001-6000-0201.**
- **\$159,071.00 for the Roanoke Adolescent Health Partnership to provide for medical services to the Roanoke City Schools, in conjunction with the City of Roanoke Health Department and Carilion Health Systems. The program expenses are reimbursed by donations from Carilion Health Services.**
- **\$525,000.00 for the Blue Ridge Technical Academy to provide an educational training program for students at risk of academic failure and dropping out of school. The "regional high school" will provide 200 at-risk youth with the academic competencies and technical skills required to obtain substantial employment in the local labor market by focusing on skill development in the areas of manufacturing, technology, computer science and electronics, health and medical services, optics, and consumer services. The Technical Academy is chartered by the Roanoke City Public Schools, and is housed in the Roanoke Higher Education Center. Local match in the amount of \$150,000.00 will be provided from Account No. 030-062-6001-6143-0588.**

The Director of Finance recommended that Council adopt a budget ordinance establishing the above referenced School Board grants.

Mr. Carder offered the following emergency budget ordinance:

(#35947-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 222.)

Mr. Carder moved the adoption of Ordinance No. 35947-061702. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Ordinance No. 35947-061702 was considered out of sequence at the 7:00 p.m. session. Mr. Hudson was absent.)

REPORTS OF COMMITTEES:

ANNUAL REPORTS-COMMITTEES-HOUSING/AUTHORITY: Brenda A. Powell, Chair, Fair Housing Board, presented a written report of the Fair Housing Board advising that in October, the Board presented copies of a study in connection with an Analysis of the Impediment to Fair Housing, which was prepared by Housing Opportunities Made Equal (HOME), at the request of the Fair Housing Board and the City of Roanoke, and the following requests were submitted:

Financial assistance for fair housing discrimination awareness which has been accomplished by a grant received from the City's Community Development Block Grant, for the period July 2002 - June 2003.

Assistance from the City Attorney's Office in revising the fair housing ordinance to comply with both Federal and State laws, which will be presented to Council at a later date.

Ms. Powell advised that some persons do not know what fair housing discrimination includes, or the effects it can have on an entire community; and the more knowledge that citizens have of fair housing laws, the more they will be able to benefit from the laws and learn to comply, and the analysis of the impediments study is more than a summary of illegal acts, but a study of barriers to housing choice.

She called attention to a recent visit by HOME representatives to Roanoke for a press conference, which restated and further staked claim that fair housing issues are indeed alive and well in the City of Roanoke and the Roanoke Valley; therefore, the Fair Housing Board and the City of Roanoke must begin at the beginning; housing discrimination affects the entire community and no act of discrimination is more or less significant than another; and from the 42 impediments, three main areas have been identified for discussion with Council.

Ms. Powell advised that first is Education and Outreach which is the most critical step in helping individuals to understand fair housing laws and may be accomplished by the following aggressive campaign that will begin during the next fiscal year involving the Fair Housing Board, the Fair Housing Administrator and other staff from the Housing and Neighborhood Services Department to perform the following:

Workshops, Training Session and Seminars that will be geared toward all segments of the community, including Council, City staff, Fair Housing Board Members, realtors, home builders, appraisers, developers, lenders, landlords, tenants, neighborhood leaders, youth, religious groups, citizens and other home providers and concerned individuals in the community ;

Media Blitz Campaign which will include advertising in newspapers, on television and radio, billboards, buses, etc.;

Fair Housing Booklet which is a comprehensive booklet that will be developed to address all facets of fair housing laws, including information on landlord-tenant rights and how some practices may be discriminatory; and

Conference - work is already underway to include a session on fair housing in the Third Annual Housing Symposium sponsored by the Roanoke Regional Housing Network in the fall of 2002; and

Fair Housing Administrator - It is requested that Housing and Neighborhood Services continue to provide the current Fair Housing Administrator with adequate time to carry out the projects that have been identified in the report in order for this year long campaign to be successful.

Second, Ms. Powell requested that there be regional cooperation and that the Members of Council begin dialogue with Roanoke County, Salem and Vinton to address housing discrimination and its impact on the quality of life for all citizens and the economic impact on the Roanoke Valley, since everyone must recognize and acknowledge the need for regional cooperation to eliminate barriers to housing choice and actively support development of a co-operative mechanism to eradicate unfair housing practices; and one suggestion is a Regional Fair Housing Council with the ability to address fair housing issues in the Roanoke Valley.

Third, Ms. Powell referred to the issue of public transportation which is an important impediment that was identified in the study because severe limitations are placed on housing choice by the lack of a metropolitan area-wide public transportation system; without adequate transportation, some citizens cannot find work that would provide them with the financial base needed to seek housing to expand their housing choices in the Roanoke Valley; whereupon, she offered the following suggestions:

Hold a regional meeting of government representatives and business leaders to discuss and identify a source of funding to extend transportation, including public and para-transit into surrounding areas.

Conduct a regional comprehensive study or review past studies on a valley-wide transportation system. One such group is the Regional Network for Transportation, created in 1997, which is not currently meeting but could be the basis for beginning dialogue.

The City should consider the way it spends public transportation money and should aim to use the money for business, routes and times that attract the widest ridership or best meets ridership population.

In summary, Ms. Powell advised that the above referenced suggestions will address fair housing discrimination issues in the City of Roanoke and increase public awareness, help eliminate impediments to fair housing, create an open housing market, improve the quality of life for many citizens, and enhance the economic health of the Roanoke Valley.

BONDS/BOND ISSUES: A communication from the Roanoke City School Board requesting appropriation of funds to the following school accounts, was before Council.

- **\$92,700.00 from reallocated VPSA Bond funds from Fishburn Park and Fairview renovations to be used for installation of a limited use/limited application elevator at Ruffner Middle School.**
- **\$95,780.00 from reallocated VPSA Bond funds from Fishburn Park and Fairview renovations to be used for renovation of the Lincoln Terrace Saturn Network School.**

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Mr. Carder offered the following emergency budget ordinance:

(#35948-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 School Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 224.)

Mr. Carder moved the adoption of Ordinance No. 35948-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: None.

At 5:05 p.m., the Mayor declared the meeting in recess to be reconvened at 7:00 p.m., in the City Council Chamber.

(Following dinner, the Members of Council and City staff attended the Southeast Community Celebration Rally to kick off the process to revitalize the Bullitt-Jamison corridor at the corner of Jamison Avenue and 11th Street, S. E.)

At 7:00 p.m., the regular meeting reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, Linda F. Wyatt, William White, Sr., C. Nelson Harris, William H. Carder and Mayor Ralph K. Smith-----6.

ABSENT: Council Member W. Alvin Hudson, Jr.-----1.

The reconvened meeting was opened with a prayer by Mayor Ralph K. Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

DIRECTOR OF FINANCE-CITY CLERK-BUDGET-CITY ATTORNEY-CITY MANAGER-REAL ESTATE VALUATION-MUNICIPAL AUDITOR: Mr. Carder offered the following emergency ordinance established the salaries of the six Council Appointed officer's effective July 31, 2002:

(#35949-061702) AN ORDINANCE establishing compensation for the City Manager, City Attorney, Director of Finance, Director of Real Estate Valuation, Municipal Auditor and City Clerk as of July 31, 2002, for the fiscal year beginning July 1, 2002; and providing for an emergency and an effective date.

(For full text of Ordinance, see Ordinance Book No. 65, page 225.)

Mr. Carder moved the adoption of Ordinance No. 35949-061702. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRES AND/OR COMMENTS BY THE MEMBERS OF COUNCIL:

COMMITTEES-SCHOOLS: In view of the resignation of Sherman P. Lea as a Trustee of the Roanoke City School Board, Council Member Harris requested that the City Attorney review the procedure for filling an unexpired term on the School Board.

The City Attorney advised that prior to the filling of a vacancy on the School Board created by other than the ordinary expiration of a term, Council shall, at least seven days prior to the appointment, hold a public hearing to receive the views of citizens; at least ten days prior to any such hearing, public notice shall be given by publication in a newspaper of general circulation in the City; and before any person is appointed to the School Board, the individual's name shall be considered at a public hearing.

It was the consensus of Council that the City Clerk would begin the process of advertising for applications for appointment to fill the unexpired term of office of Mr. Lea, ending June 30, 2003.

ACTS OF ACKNOWLEDGEMENT-DECEASED PERSONS-WAR MEMORIAL: Council Member Bestpitch referred to a communication from Ms. Loretta A. Young, sister of the late Donald McArthur Young, who was killed during an attack on the Pentagon on September 11, 2001, in which she expressing appreciation by the Young family for the recognition her brother received at the Roanoke Valley Memorial Day Ceremony on Monday, May 27, 2002 in Lee Plaza in downtown Roanoke.

ARMORY/STADIUM-SPECIAL EVENTS: The Mayor encouraged citizens of the Roanoke Valley to attend and participate in numerous July 4th activities, i.e; the celebration at Victory Stadium, the Williamson Road parade sponsored by the Williamson Road Area Business Association, and the Roanoke River Clean-up sponsored by the Kiwanis Club.

TRAFFIC-COMPLAINTS-YOUTH-STREETS AND ALLEYS: Council Member Wyatt referred to continuing concerns of business owners in the area of Williamson Road/Trinkle Avenue, N. W., regarding teenagers congregating from dusk until midnight. She advised that business owners support the gating/barricading of that portion of Williamson Road to vehicular traffic, and requested that the matter be referred to the City Manager to contact effected businesses.

OATHS OF OFFICE-COMMITTEES-LIBRARIES: The Mayor advised that there is a vacancy on the Roanoke Public Library Board created by the resignation of JoAnn F. Hayden, and called for nominations to fill the vacancy.

Mr. White placed in nomination the name of Pamela S. White.

There being no further nominations, Pamela S. White was appointed as a member of the Roanoke Public Library Board, for a term ending June 30, 2005, by the following vote:

FOR MS. WHITE: Council Members Bestpitch, Wyatt, White, Harris, Carder and Mayor Smith-----6.

(Council Member Hudson was absent.)

CITY MANAGER COMMENTS:

WATER RESOURCES: In view of the current water shortage, the City Manager advised that as of Tuesday, June 18, 2002, the City of Roanoke will begin the purchase of water from the City of Salem, and the purchase of water from Roanoke County on Friday, June 21, 2002. She further advised that the City will observe mandatory water restrictions beginning Tuesday, June 18, with no outdoor water usage permitted; it is anticipated that the Crystal Spring Reservoir will be online in early October as opposed to November; on a temporary basis, it is hoped to implement a micro filtration system at the Crystal Spring Reservoir, which, if approved, could be in effect in 30-45 days; two additional wells are online for water production; locations where citizens may obtain non-potable water for yards and garden purposes will be announced; and there will be continuing public education on the use of available water sources.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

COMPLAINTS-HOUSING/AUTHORITY: Ms. Helen E. Davis, 35 Patton Avenue, N. E., addressed Council with regard to providing screen doors for housing units at the Lincoln Terrace housing development. She stated that although it is regrettable that screen doors will not be furnished by the Roanoke Redevelopment and Housing Authority, it was hoped that City Council would demand that the Housing Authority install screen doors on both the front and back doors of residences.

POLICE DEPARTMENT-COMPLAINTS-PARKS AND RECREATION-FIRE DEPARTMENT-COMMITTEES-ARMORY/STADIUM-REFUSE COLLECTION-HOUSING/AUTHORITY-CITY EMPLOYEES: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that it is with much sadness that the following items are to be passed from the current Council to the Council that will take office on July 1, 2002:

1. Inappropriate expenditure of taxpayers' money to award bonuses to certain select City employees without regard to established personnel guidelines.
2. The proposed closing of several fire stations in predominantly black neighborhoods with little information regarding replacement stations, locations, dates, etc.
3. Despite the City Manager's efforts regarding refuse collection service in the northwest section of the City, there have been no improvements, and conditions have deteriorated since curbside refuse collection service was initiated.
4. The police satellite station in the northwest section of the City, although improperly manned, was closed and no relocation plans were announced.
5. Citizens of Roanoke have not been fairly represented (residents of Lincoln Terrace housing development presented petitions to Council regarding the need for screen doors on both the front and back of residences).
6. Will Victory Stadium be demolished and a smaller complex constructed on contaminated land in a well established commercial and residential area; and will additional testing be done with regard to noise and light filtering into the neighboring area?
7. The need to immediately schedule a City-wide meeting to inform citizens with regard to the Volunteer Committee's recommendations for improvements to Booker T. Washington Park.

PUBLIC HEARINGS:

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Baker Avenue Properties, Ltd., that a portion of an alley extending in a westerly direction from 31st Street, N. W., between Baker Avenue and Breckinridge Avenue, for a distance of approximately 209.5 feet through the middle of property bearing Official Tax No. 2510104, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, May 31, 2002, and Friday, June 7, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission advising that the portion of alley requested for closure lies in a redevelopment area; recently, the Roanoke Redevelopment and Housing Authority Board of Commissioners voted to discontinue it as such, but an official amendment has yet to be processed; the alley that the petitioner requests a portion of which to be closed is entirely unimproved; and the unimproved portion of alley splits the petitioner's property and closure will reduce impediments for development, was before Council.

The City Planning Commission recommended that Council approve the closure, contingent upon certain items listed in the report, and advised that the portion of alley in question divides the petitioner's parcel and has no utilitarian value to the City.

Mr. Carder offered the following emergency ordinance:

(#35950-061702) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 207.)

Mr. Carder moved the adoption of Ordinance No. 35950-061702. The motion was seconded by Mr. Bestpitch.

The Mayor inquired if there are persons present who would like to address Council in connection with the matter. There being none, Ordinance No. 35950-061702 was adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

The Mayor declared the public hearing closed.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Carilion Medical Center and the City of Roanoke Redevelopment and Housing Authority that six parcels of land lying on the south side of Jefferson Street, S. E., between the Norfolk Southern right-of-way and the Roanoke River, bearing Official Tax Nos. 4040501 - 4040503, inclusive, and 4040506 - 4040508, inclusive, be rezoned from HM, Heavy Manufacturing District, to INPUD, Institutional Planned Unit Development District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Saturday, June 1, 2002, and on Saturday, June 8, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission advising that the South Jefferson Redevelopment Plan was approved by Council on March 19, 2001; the South Jefferson Redevelopment Area, located east of the Roy L. Webber Expressway, west of the Roanoke River, south of the Elm Avenue interchange with Interstate 581, and north of Wiley Drive, is expected to provide up to two million square feet of building space, attract up to \$300 million in private capital expenditures, and provide up to 500 new, technical jobs for the region; the Plan identified three general areas for redevelopment: (1) the Jefferson Street Corridor, (2) Campus and Institutional area in the vicinity of Reserve Avenue, and (3) the Crossing, in the vicinity of railroad development and warehouses; four classifications of land uses were identified: institutional mixed use (i.e. research, biomedical and support uses), commercial support use (i.e. office, business support), commercial and residential mixed use (i.e. flexible, combination business and residential space), and public use (i.e. greenways and open space); and public improvements are proposed, including upgraded transportation corridors, new public open spaces, and improved interstate access, was before Council.

It was further advised that Riverside Centre for Research and Technology, an institutional mixed-use complex, is proposed for the Jefferson Street/Reserve Avenue corridor; phase 1 of the facility includes construction of a parking garage and support services east of Jefferson Street toward the Roanoke River on approximately 7.5 acres of land; initially, the facilities will serve Carilion Roanoke Memorial Hospital, but in the future, use will be expanded for the proposed Carilion Biomedical Institute, a planned facility for Riverside Centre.

The City Planning Commission recommended that Council approve the request for rezoning, and advised that the proposed development is in accordance with the comprehensive plan inasmuch as it will support development of a sustainable, diverse economic base and redevelops an underutilized industrial site.

Mr. Carder offered the following ordinance:

(#35951-061702) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 404, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 229.)

Mr. Carder moved the adoption of Ordinance No. 35951-061702. The motion was seconded by Ms. Wyatt.

The Mayor inquired if there are persons present who would like to address Council in connection with the matter. There being none, Ordinance No. 35951-061702 was adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, Harris, Carder, and Mayor Smith---5.

NAYS: None-----0.

(Council Member Hudson was absent.) (Council Member White abstained from voting inasmuch as he serves on the Carilion Medical Center Board of Directors.)

The Mayor declared the public hearing closed.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Matthew T. and Sally G. O'Bryan that a portion of property located at 902 Penmar Avenue, S. E., being a 0.0324 acre portion, more or less, of Official Tax No. 4130410, be rezoned from RM-1, Residential Multi-Family Low Density District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioners, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, May 31, 2002, and on Friday, June 7, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission advising that the purpose of the request for rezoning is to allow the existing accessory building on Ninth Street, S. E., to be used for a commercial business, and there is also an existing house on the lot, was before Council.

The City Planning Commission recommended that Council approve the request for rezoning, and advised that the petitioner has amended his initial petition to better accommodate the neighborhood area, zoning for the proposed property will be contiguous to existing C-2, General Commercial District, and the primary building on the property will continue to be residential in use.

Mr. Carder offered the following ordinance:

(#35952-061702) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 413, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 231.)

Mr. Carder moved the adoption of Ordinance No. 35952-061702. The motion was seconded by Mr. Harris.

The Mayor inquired if there are persons present who would like to address Council in connection with the matter.

Mr. Robert E. Zimmerman, 1510 Langhorne Street, S. E., advised that he did not appear before Council either for or against the rezoning. He stated that he owns property across the street from the area proposed to be rezoned and he has lived in the neighborhood for 40+ years, and asked that there be some assurance that no alcoholic beverages, either on or off premises, will be permitted. He called attention to two public schools within a two blocks of the area in question, and three churches within a two block radius. He spoke in support of any use for the building that will help the neighborhood. Later during the meeting, it was noted that the petitioner has proffered that no alcoholic beverages will be permitted.

Mr. Bestpitch spoke in support of finding an appropriate use for the building and advised that based on the history of the building, it appears that the best use is some type of commercial enterprise. However, he expressed concern as to whether C-2 zoning is the appropriate classification. He explained that Council is being asked to take another tax parcel and divide it into two separate sections and for two different zoning classifications on the same tax parcel. He stated that C-2 zoning requires, among other things, a 20' side yard, or a 20' setback on the side of the property to the adjacent property; the portion of the property that Council is being requested to rezone is a building that was originally constructed as a two-car garage, which is located at the sidewalk with essentially no set back; and the side of the house is attached to the top edge of the roof of the garage and there is no separation between the portion that would consist of the building that Council is being asked to rezone to C-2 and the house which will remain residential, RM-1. He explained that when the rezoning process began, the initial intent was to request CN rezoning for the property; whereupon Mr. Bestpitch questioned the rationale of City Planning staff by encouraging the petitioner to move in a different direction. He stated that CN zoning requires only a 15' setback on the side yard which is closer to meeting the setback than splitting the tax parcel into part C-2 and part RM-1, CN zoning provides for a dwelling unit above a non-residential use; and the top of the garage is level with the bottom of the house, therefor, the house is above the garage. He expressed support for rezoning the entire property because at some time in the future, the present owners may wish to subdivide the property and they will have to request variances on two portions of the property. He stated that there should be a way to

rezone the entire tax parcel to CN and create a waiver or variance in connection with the side yard requirement. He requested that proffers to the rezoning clarify that existing residential structures will continue to be used for residential purposes and not converted to commercial use. He inquired as to what is required, procedurally, to achieve a CN zoning classification.

The City Attorney advised that the applicant would be required to file an amended petition to rezone the portion of the property that they propose to leave as residential, and owners of the property would be required to file the proffers to rezoning. He stated that any variance would have to be granted by the Board of Zoning Appeals which is usually done contemporaneously, with one subject to the other.

Mr. Natt advised that on September 6, 2001, he filed a petition requesting that the property be rezoned to CN, Neighborhood Commercial District, and appeared before the City Planning Commission on two occasions. He read portions of a letter from City Planning staff which stated that C-2 zoning exists across the street, and an alternative to CN zoning may be to extend the C-2, General Commercial District, and zone only a portion of the property, which approach would provide the petitioner with a rezoning that is more consistent for the area and would maintain the residential structure and residential zoning. Mr. Natt stated that one of the concerns of City staff was the fact that if the property is rezoned to CN, the residential use would then become nonconforming. He explained that he started the rezoning process by requesting a CN zoning classification, but was advised that that was not the way to go, and it took nine months to reach this point. He stated that he did not disagree with Mr. Bestpitch, but his client worked with City Planning staff, who suggested C-2 zoning, and he was reluctant to go back to his client with the message that Council intends to go back to his original request of nine months ago, and with the knowledge that his client will incur additional expenses.

The City Attorney was asked to respond as to whether there is a way to move through the zoning ordinance revision process to include property under similar circumstances, (one parcel that has two different zoning designations); whereupon, the City Attorney suggested that City Planners review those instances where conditions have been placed on conditional rezonings. He stated that it is permissible to have a lot with two different zoning classifications, although such is not the intent of the zoning ordinance. He advised that he did not know if an overall solution could be reached through the zoning ordinance revision, but it is something that should be kept in mind when working on the new zoning ordinance.

Mr. Bestpitch requested that such instances be flagged by City Planning staff for review as a part of the zoning ordinance revision. He stated that he is against the practice of continuing to bring these types of rezonings to Council.

Ordinance No. 35952-061702 was adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Robert Evan, L.L.C., that a portion of Hite Street, S. W., extending from the southerly end of the existing cul-de-sac in a southerly direction for approximately 371.06 feet, more or less, to the northerly line of the right-of-way of U. S. Route 220 in the City of Roanoke, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Saturday, June 1, 2002 and on Saturday, June 8, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission recommending approval of the request for closure, upon certain conditions, and advising that the portion of right-of-way in question has no utilitarian value to the City, and the City Planning Commission does not recommend sale of the portion of right-of-way, was before Council.

Mr. White offered the following ordinance:

"AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title."

Mr. White moved the adoption of the ordinance. The motion was seconded by Mr. Carder.

Mr. Bestpitch advised that the area in question has recently been graded, trees and other vegetation have been removed and gravel spread on City property; whereupon, Robert Freeman, Principal, Robert Evans, LLC, advised that the area will be reseeded, should the City choose not to vacate the right-of-way.

The City Manager called attention to correspondence that was recently provided to Council in which she recommended that the City offer the property for purchase only and not for donation. She stated that City Planning staff discussed the matter with Mr. Freeman, who is not willing to purchase the property, and noted that Council could either donate the property, or deny the request for right-of-way.

She called attention to concerns of residents of the area with regard to increased traffic which has been generated by the recently opened gymnasium. She stated that Mr. Freeman advises that he intends to use the land for parking since he owns an adjacent parcel of land on which he plans to construct a building that will house a clothing wholesale operation that involve some retail sales, and such use will also have a traffic impact since delivery trucks will be accessing the area via Hite Street. She recommended that Council table the matter for 30 days to provide City staff with an opportunity to assess the traffic impact and whether or not other traffic accommodations will need to be made to address additional development.

Mr. Carder offered a substitute motion that action on the matter be tabled for 30 days, or until the regular meeting of Council on Monday July 15, 2002, at 7:00 p.m., as soon thereafter as the matter may be heard. The motion was seconded by Mr. Bestpitch and adopted.

CITY CODE-ZONING-COMMITTEES: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to consider amendment and revision to Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to increase the number of members of the Board of Zoning Appeals for the City of Roanoke, and to increase the number of concurring votes necessary for the Board to act, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, May 31, 2002, and on Friday, June 7, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission recommending that Council amend the Zoning Ordinance to provide for appointment of seven members to the Board of Zoning Appeals and increase the number of concurring votes necessary for the Board to take action to four, was before the body.

Mr. Carder offered the following ordinance:

(#35953-061702) AN ORDINANCE amending and reordaining §36.1-650, Continued; composition; appointment and terms of members, etc., and subsection (a) of 36.1-653, Exercise of powers general; administration of oath and compelling attendance of witnesses, of Division 3, Board of Zoning Appeals, of Article VII, Administration, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to increase the number of members of the Board of Zoning Appeals for the City of Roanoke, and to increase the number of concurring votes necessary to take action; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 232.)

Mr. Carder moved the adoption of Ordinance No. 35953-061702. The motion was seconded by Mr. Harris.

The Mayor inquired if there are persons present who would like to address Council in connection with the matter; whereupon, Ms. Joel M. Richert, 415 Allison Avenue, S. W., advised that she was speaking as a private citizen and not as a member of the Board of Zoning Appeals. She requested background information on the decision of Council to increase membership at the Board of Zoning Appeals from five to seven, and advised that in the past there was a concern with regard to attendance by the five members of the Board; however, in the past year, new members have been appointed and attendance has improved. She stated that all five members of the Board of Zoning Appeals are certified, the five members work well as a body, with a good attendance record and membership balance.

Mr. Carder advised that the recommendation was included in the boards and commissions reorganization process that was approved by Council last year and also related to an attendance issue. He stated that following research by the City Attorney regarding Boards of Zoning Appeals in other localities, it was determined that seven in numbers would provide better representation in the future.

Ms. Wyatt advised that the committee that reviewed boards and commissions also looked at overall consistency on boards and commissions, and noted that the School Board, City Planning Commission, Architectural Review Board, Roanoke Redevelopment and Housing Authority and Industrial Development Authority consist of seven members, which correspond with the seven members of City Council, therefor, consistency would be achieved by increasing the membership to seven on the Board of Zoning Appeals,

Ordinance No. 35953-061702 was adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to consider amendment and revision to Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide for towing services and wrecker services under certain conditions in General Commercial, Light Manufacturing, and Heavy Manufacturing Districts, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, May 31, 2002, and on Friday, June 7, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission recommending that Council approve the proposed amendments to the Zoning Ordinance, advising that the amendments will further define, clarify and distinguish, for regulation and code enforcement purposes, tow truck operations and will promote public welfare and safety relative to such land uses, was before the body.

Mr. Carder offered the following ordinance:

"AN ORDINANCE amending the reordaining §36.1-25 Definitions, by deleting the definition of tow truck operation and adding the definitions of towing services and wrecker services; §36.1-206, Permitted uses, C-2, General Commercial District; §36.1-249, Permitted uses, LM, Light Manufacturing District; §36.1-250, Special exception uses, LM, Light Manufacturing District; §36.1-270 Permitted uses, HM, Heavy Manufacturing District; and §36.1-271, Special exception uses, HM, Heavy Manufacturing District, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to provide for towing services and wrecker services under certain conditions in those zoning districts; and dispensing with the second reading by title of this ordinance."

Mr. Carder moved the adoption of the ordinance. The motion was seconded by Mr. Harris.

The Mayor advised that since advertisement of the public hearing staff has determined that there should be further revisions to the proposed ordinance which will require further consideration by the City Planning Commission.

The Mayor inquired if there were persons in attendance who would like to address Council in connection with the matter.

Mr. Robert Young, 210 Carver Avenue, N. E., advised that representation of the towing industry would like to be involved in the proposed revisions. He stated that it would be illegal to operate a service station that sells gas, and performs vehicle repairs and towing services. He spoke in support of an enclosed fence around vehicle areas and asked that the City cooperate with the towing industry.

Mr. Rodney Graham, 413 Rorer Avenue, S. W., questioned the type of fence that will be required by the City around facilities where vehicles are stored.

The City Manager clarified that the intent of referring the matter back to the City Planning Commission is not to necessarily modify City Code sections pertaining to towing operations, but to bring forward simultaneously those changes that are necessary for other sections of the City Code not related to towing that will be impacted by the proposed amendments.

Without objection by Council, the Mayor advised that the matter would be referred back to the City Planning Commission for further study, report and recommendation to Council.

LEASES-MARKET SQUARE PARKING GARAGE: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to lease 3,000 square feet of retail space in the Market Square Parking Garage, 11 Campbell Avenue, S. W., to Orvis Roanoke, Inc., for a period of no more than five years, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, June 9, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a communication advising that the City of Roanoke currently leases 3,000 square feet of retail space to Orvis Roanoke, Inc.; current lease agreement of the property located at 11 Campbell Avenue S. E, commonly known as the Market Square Parking Garage, expires on August 31, 2002; Orvis Roanoke, Inc., has expressed interest in continuing the lease of space beyond the current term; and to continue the lease of property, a new lease agreement is

required; currently, Orvis pays \$876.81 per month (\$10,521.72 per year) base rent; the current agreement also requires Orvis to pay an additional rent amount based on a percentage of gross sales generated from the leased premises; the amount paid for the current fiscal year was \$11,390.00; and total rents paid for fiscal year 2002 equal \$21,911.72.

It was further advised that negotiations for a new agreement include a start date of September 1, 2002, for a term of five years; rent for the new agreement will increase to \$900.00 per month (\$10,800.00 per year), plus an annual increase based on the Consumer Price Index; in addition to the base fee for rent, Orvis will pay an additional amount based on sales; Orvis will pay one percent of the first \$500,000.00 in gross revenue from sales made from the leased premises each year, three percent of gross revenue of \$500,000.00 to \$1,000,000.00, and four percent of gross revenue over \$1,000,000.00, which sum shall be payable within 60 days of the end of each calendar year.

The City Manager recommended that she be authorized to offer and execute a new lease agreement between the City of Roanoke and Orvis Roanoke, Inc., for a term of five years.

Mr. Bestpitch offered the following ordinance:

(#35954-061702) AN ORDINANCE authorizing the City Manager to enter into an agreement with Orvis Roanoke, Inc., for the lease of retail space of property located at 11 Campbell Avenue, S. E., for use by Orvis Roanoke, Inc., upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 234.)

Mr. Bestpitch moved the adoption of Ordinance No. 35954-061702. The motion was seconded by Ms. Wyatt.

The Mayor inquired if there are persons present who would like to address Council in connection with the matter. There being none, Ordinance No. 35954-061702 was adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

EASEMENTS-PARKS AND RECREATION-UTILITY LINE SERVICES: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the City of Roanoke to grant an easement across City-owned property located between Wasena Park and 13th Street, to Appalachian Power Co., d/b/a American Electric Power, to relocate and reconstruct existing electrical transmission and distribution lines and to vacate existing easements, in connection with the Roanoke River Flood Reduction Project, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, June 9, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a communication advising that the U. S. Army Corps of Engineers Roanoke River Flood Reduction Project contains channel widening and a greenway trail between Wasena Park and 13th Street; along portions of the project, Appalachian Power Company (AEP) has existing easements for various overhead electrical transmission and distribution lines located in the path of the project; the City has requested that AEP relocate several of the lines located on City-owned property to accommodate the Roanoke River Flood Reduction Project; since AEP holds existing easements on the properties, they do not fall under the City's standard franchise agreement; existing easements will be vacated as a condition of granting new easements; and new easements across City-owned property are required for AEP to relocate its electric transmission and distribution lines, communication lines and associated above ground equipment, in, on, along, through, over, across and under certain City property.

The City Manager recommended that she be authorized to execute the appropriate documents granting easements across City-owned property to Appalachian Power Company, d/b/a American Electric Power, and vacating existing easements, for the purpose of relocating, reconstructing, owning, and operating electrical transmission and distribution lines and associated above ground equipment.

Mr. Carder offered the following ordinance:

(#35955-061702) AN ORDINANCE authorizing the City Manager to grant an easement to Appalachian Power Company, d/b/a American Electric Power ("AEP") for the relocation of existing overhead electrical transmission and distribution lines; vacating of the easement within such existing lines on City property; upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 235.)

Mr. Carder moved the adoption of Ordinance No. 35955-061702. The motion was seconded by Mr. Harris.

The Mayor inquired if there are persons present who would like to address Council in connection with the matter. There being none, Ordinance No. 35955-061702 was adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

COMPLAINTS-CITY EMPLOYEES-WATER RESOURCES: Mr. Robert Gravely, 1617 Hanover Avenue, N. W., addressed Council with regard to the water shortage and insufficient wages for City employees.

ROANOKE CIVIC CENTER: The City Manager advised that earlier in the meeting, Council Members raised specific questions with regard to the proposed contract with Tickets.com; whereupon, she called upon James M. Evans, Director, Civic Facilities, to address the matter.

Mr. Evans advised that the primary questions were related to franchise circumstances and the ability to sell tickets. He stated that in the course of negotiations for the contract, it was clear to both parties that the intent is that ticket sales at the franchise locations would be considered the same as ticket sales at the box office, which means that there is no customer service charge of any kind for such services. He further stated that the proposed contract with Tickets.com Inc., is an improvement over the current arrangement for season tickets which requires a \$3.00 service charge for billing paid by season ticket consumers. He explained that the current agreement with Ticketmaster will expire in 45 days and a commitment is required on the part of Tickets.com, Inc., in terms of ordering data lines, equipment, training and the transition process.

In response to a previous question raised by Council Member Wyatt, Mr. Evans advised that the intent is to limit the civic center's ability to sell tickets that are not on the Tickets.com system through an exclusive arrangement which is not intended to prohibit any sales through selected box office facilities that would include any and

all franchise facilities. He advised that the agreement with Tickets.com, Inc., reduces the cost for tickets due to elimination of the \$3.00 charge for setting up the season ticket process, there is no charge to the customer for tickets purchased at the box office or any of the franchise offices, and a service charge would apply to tickets purchased at an outlet, over the telephone using a credit card, or on the Internet.

Mr. Carder moved that Resolution No. 35926-061702 be removed from the table. The motion was seconded by Mr. Harris and adopted.

Resolution No. 35926-061702 was adopted by the following vote:

AYES: Council Member Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

There being no further business, the Mayor declared the meeting adjourned at 9:00 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor
